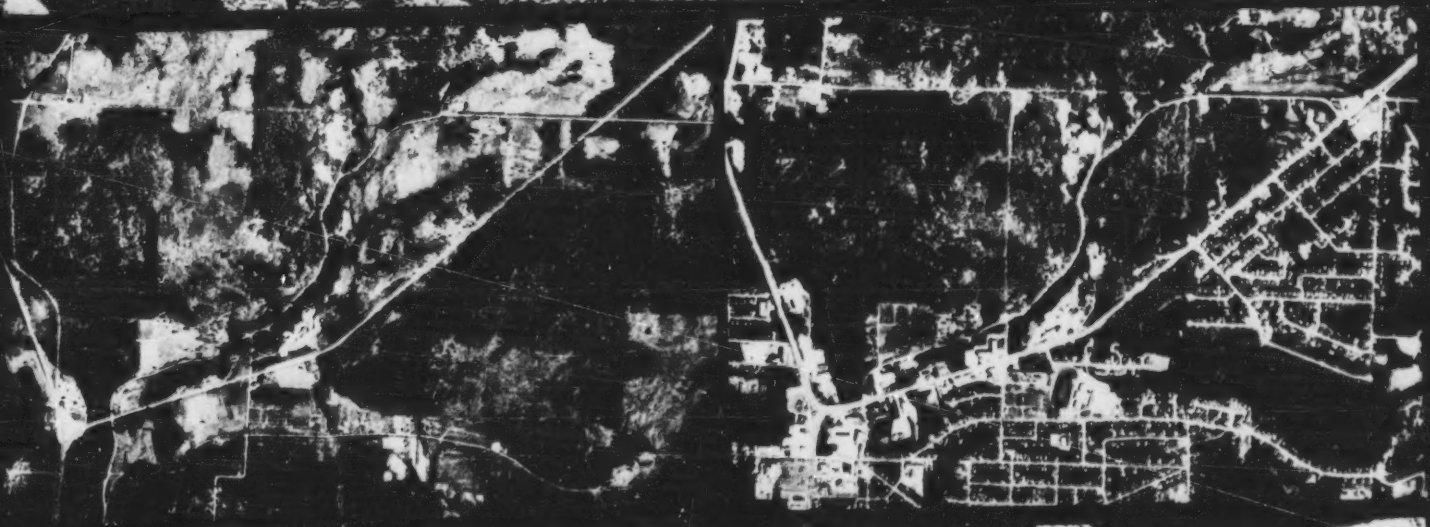
Environmental Commissioner of Ontario

Changing Perspectives



Annual Report 1991/2000

SUPPLEMENT

101-03545/

SUPPLEMENT to the
1999 ECO Annual Report

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S1 Unposted Decisions Reviewed in 1999-2000 (up to March 31, 2000)

Unposted Decision	Ministry Rationale	ECO Commentary
Environment		
O. Reg. 86/99 under the *EPA* and the Drive Clean Guide • This regulation, filed on March 1, 1999, amends the Drive Clean regulations. It removes the standards that govern the operation of a Drive Clean test from the regulation. In place of the standards, the regulation incorporates standards set out in a policy document, the Drive Clean Guide. • The regulation also makes other administrative changes to the operation of the Drive Clean test.	• MOE considered these amendments to the Drive Clean regulations to be environmentally insignificant because they are not expected to have any environmental impact on the fully implemented Drive Clean Program. • MOE later posted an information notice describing the amendments made by O. Reg. 86/99 to the Drive Clean regulations.	• The ministry response is valid.

Unposted Decision	Ministry Rationale	ECO Commentary
O. Reg. 153/99 under the *EPA:* Emissions cap on Nitrogen Oxides (NOx) and Sulphur Dioxide (SO_2) • This regulation extends the emissions cap on NOx and SO_2, that previously applied to all facilities owned by Ontario Hydro, to the newly created Ontario Power Generation Inc. (OPGI).	• MOE responded that the regulation is "purely administrative in nature, as it changes only the name of the company to which SO_2 and acid gas emission caps apply" and that the ministry was developing options for environmental protection measures such as an emissions cap.	• The ministry response is valid as section 16 of the *EBR* does provide an exception to the posting requirements for regulations that are administrative in nature. • A proposal for a new regulation governing emissions caps for the electricity sector was posted on the Registry on Jan 24/00 (RA00E0004). MOE missed an opportunity to solicit early consultation on this proposal by not posting O. Reg. 153/99 on the Registry.
O. Reg. 438/99 under the *EPA:* Amendments to the Drive Clean Regulations • This regulation amends the Drive Clean regulations, to provide a transition period for the application of the Drive Clean program to heavy duty vehicles, by extending the date when all heavy trucks are required to obtain a Drive Clean approval from September 30, 1999 to January 15, 2000.	• MOE stated that "the regulation is an administrative change that has negligible environmental impacts since it simply formalizes the fact that insufficient Heavy Duty Vehicle Drive Clean testing facilities were in place....It does not relieve owners of HDVs of their responsibility to have a test done."	• The ministry response is valid, although an information notice would have kept the public informed of the changes to the Drive Clean regulations. This would have been consistent with the information notice on previous changes to the Drive Clean regulations that MOE posted earlier in the year (see O. Reg. 86/99 above).

Unposted Decision	Ministry Rationale	ECO Commentary
O. Reg. 460/99 under the *EPA*: Amendments to Reg. 347, the General Waste Management regulation, clarifying the "mixture rule" • This regulation clarifies the "mixture rule" so that it explicitly states that a mixture of hazardous waste with any other material remains classified as hazardous waste and must be disposed of accordingly.	• MOE stated that "this was an administrative amendment that reinforced the status quo regarding the mixture rule, which, in the view of the Ministry, already existed in Reg. 347. Therefore, no consultation was conducted as no new policy was created and no additional impact would occur."	• Although MOE claims that the amendments were administrative, the minister stated in a speech and a media release that the amendments strengthened the regulations. • The ECO considers these amendments to be environmentally significant. • MOE should have posted the amendment for public comment on the Registry to allow different points of view to be represented in developing this new regulation. If MOE felt that more immediate action was required, it should have posted an emergency exception under s. 29 of the *EBR*.

Unposted Decision	Ministry Rationale	ECO Commentary
Ontario Guidelines for Classification of Pesticides Products • In March 1999, MOE filed O. Reg. 110/99 under the *Pesticides Act*, which transfers decision-making authority over the classification of pesticides from MOE to an advisory committee. • After the regulation was filed, a document entitled Ontario Guidelines for the Classification of Pesticides Products was released by the Ontario Pesticide Advisory Committee (OPAC) without being posted on the Registry. This document sets out criteria and considerations for how a pesticide should be classified.	• MOE indicated that, although recently revised, the document has been available since 1974 and is produced by OPAC, which is not subject to the *EBR*.	• The ministry's response is technically correct as OPAC is not prescribed under the *EBR*. • Both MOE and OPAC currently have a role in administering pesticide classification. OPAC has the authority under the *Pesticides Act* to make amendments to the list of classified pesticides. MOE posts these pesticide classification instruments on the Registry since OPAC is not prescribed under the *EBR*. Given the split responsibilities between OPAC and MOE, and the environmental significance of the Pesticide Classification Guidelines, MOE should have posted an information notice about the guidelines on the Registry.

Unposted Decision	Ministry Rationale	ECO Commentary
Moratorium on all New Permits To Take Water (PTTWs) • On May 4, 1999, the Minister of the Environment made comments in the Legislature that were widely interpreted as declaring a moratorium on the issuance of PTTWs in various parts of southern Ontario. • This ministry initiative was reported in the media during the summer and fall of 1999, and was the subject of two press releases. MOE did not post a notice of this new policy on the Registry as a regular policy proposal or as an emergency exception.	• MOE replied that, despite media reports about an apparent moratorium on new water-taking permits, the ministry is continuing to review applications for PTTWs according to the normal process. • In late 1999 and early 2000, MOE indicated to the ECO that no new water-taking policy decisions were made over the past year, but that the ministry continues to develop policies related to water management (including drought management and the PTTW process). • In September 2000, MOE indicated that it is updating internal procedures which will document directions to staff related to changes in program legislation and policy.	• During 1999 and early 2000 there were many conflicting ministry and media statements about whether or not MOE issued a moratorium on PTTWs. • The ECO urges MOE to post policies related to PTTWs on the Registry for public comment as soon as possible. The ECO continues to monitor the ministry's handling of PTTWs and drought management. For more information, see annual report p.37 (groundwater) and p.113 (appeals).

Unposted Decision	Ministry Rationale	ECO Commentary
Permits to Take Water Companion Guide • MOE's Central Region prepared a document entitled "Applying to Take Water from Surface Water Sources in the Greater Toronto Area (GTA) - Companion to the Guide for Applying for Approval to Take Water," dated March 1999, in response to concerns about surface water takings in the GTA. • This companion guide is intended to assist PTTW applicants by explaining MOE's "updated" approach to reviewing PTTW applications for surface water.	• The ministry responded that it considers the companion guide to be predominantly administrative in nature because it does not create new policy, but simply reiterates MOE Regional expectations based on existing ministry policy and guidelines for water quantity management.	• The ECO commends MOE for providing guidance on the PTTW process and for setting explicit environmental objectives for applicants to meet. • However, MOE's response did not provide enough detail to alleviate the ECO's concern that this "updated" approach represents new policy that should have been posted on the Registry for public comment. The ECO also questions whether the ministry is applying its approach consistently across the province. • At a minimum, MOE should have used the Registry to inform stakeholders and the public about the availability of this guide.

Unposted Decision	Ministry Rationale	ECO Commentary
Criteria for Review of Program Approvals • A program approval is an interim approval granted by MOE to a company to operate and emit pollutants at levels greater than regulated limits, where the polluter is implementing a pollution control plan that will eventually bring the company into compliance with the regulated limits. During the period that the program approval is in effect, MOE cannot prosecute the company for breaching the regulated limit. • In a March 1999 report to the ECO, MOE indicated that it has established criteria for the review of Program Approvals and has provided training to staff to ensure that Program Approvals are used in appropriate circumstances. This initiative was not posted on the Registry for public comment.	• MOE stated that Program Approvals are a tool to bring dischargers into compliance for those willing to initiate corrective action. • MOE also noted that this guidance for ministry staff on program approvals forms "part of the ministry's Compliance Guideline package," and like the ministry's "Delivery Strategies" is "considered an internal directions document to be used by ministry staff only." The ministry also stated that this operational guidance was never intended for public review and therefore was not posted on the Registry for comment.	• The *EBR* definition of "policy" includes criteria to be used in making decisions about the issuance, amendment or revocation of an instrument. • While the ministry's Compliance Guideline (which refers to program approvals) does provide direction to MOE staff, it is also publicly available on the ministry's web site and is therefore not confidential nor is it for the sole benefit of MOE staff. • Since criteria for issuing program approvals will guide ministry staff in making environmentally significant decisions, it would have been appropriate for the ministry to post the criteria on the Registry for public comment.

Unposted Decision	Ministry Rationale	ECO Commentary
Management Board Secretariat		
Directives Review Project • One of the purposes of this project is to replace outdated directives with "new, modern directives which reflect the government's objectives and current priorities." • The current Supplies, Equipment and Services Directive requires that "for all tenders estimated over $10,000, environmental considerations such as reduction, re-use and recycling measures must be incorporated in developing commodity specifications, terms and conditions and contract award decisions."	• MBS stated that it has developed a document to guide policy advisors in developing directives which includes a Standards and Checklist document with a specific section on the *EBR*. This section directs staff to: review directives for environmental significance; consider the ministry's SEV; and place any new or revised environmentally significant policies on the Registry for public comment. MBS indicates that this analysis and process would be followed with respect to any revisions to the procurement directive.	• The ministry response is valid because MBS did not make any environmentally significant changes to the procurement directive. • In November 1999, MBS published an updated version of its Supplies, Equipment and Services Directive to ensure consistency with the *Fairness is a Two-Way Street Act (Construction and Labour Mobility), 1999* and to streamline administrative processes. This directive continues to require tenders over $10,000 to include environmental considerations. Any further environmentally significant alterations to MBS Directives should be posted on the Registry for public comment.

Unposted Decision	Ministry Rationale	ECO Commentary
Green Workplace Program • The government introduced the Green Workplace Program in 1991 to hasten the greening of the Ontario Public Service. This program includes elements such as waste management, water and energy conservation, green transportation and green purchasing. • In 1999, the ECO learned that MBS was considering cancelling the Green Workplace Program.	• MBS stated that it has not cancelled the Green Workplace Program. MBS maintained that the program is being coordinated by the Ontario Realty Corporation and that MBS is considering the realignment and ongoing assignment of the program responsibilities.	• The ECO remains concerned about the future of this environmentally significant government program. • Program cancellation or modification would affect several other ministries whose Statements of Environmental Values under the *EBR* reference the Green Workplace Program. • A decision by MBS to cancel the program would be environmentally significant and subject to the public notice and comment requirements of the *EBR*. • The ECO will continue to monitor this issue in the coming year.
Ontario Realty Corporation Guidelines and Procedures for Real Estate and Sales • The Ontario Realty Corporation (ORC) posted these Guidelines and Procedures, dated January 6, 2000, on its web site. The document outlines the process for ORC's disposal of real estate assets on behalf of the Province of Ontario.	• MBS indicated that it considered this document to be exempt from the Registry posting requirement because it is an internal administrative procedural guideline.	• MBS's SEV indicates that MBS's real estate activities have great potential for impact on the natural environment. According to correspondence received by the ECO from ORC in November 1999, ORC carries out MBS's *EBR* responsibilities for real estate matters. • The ECO maintains that the Guidelines and Procedures policy is environmentally significant and should have been posted on the Registry.

Unposted Decision	Ministry Rationale	ECO Commentary
Municipal Affairs and Housing		
O. Reg. 278/99 passed under the *Building Code Act* (*BCA*) • This regulation amends the Building Code, making changes to technical aspects of the sewage/septics provisions of the Building Code and providing for the province-wide use of "shallow buried trenches," previously restricted to counties of Essex, Lambton, and Kent.	• MMAH indicated that the *BCA* is not a prescribed Act under the *EBR*. Therefore, this proposal was not required to be posted on the Registry. • The ministry did note that shallow buried trenches represent a proven technology, that staff considered its SEV in proposing this regulation, and undertook consultation outside the *EBR* process. • The ministry also noted that it wanted the changes in place for the summer construction period	• The ministry's response is technically correct. However, although the *BCA* is not currently prescribed, MMAH has proposed to prescribe the septics provisions (see Registry notice RF9E0001). If this regulation had been passed after the *BCA* was prescribed, it would have been subject to the posting and public comment provisions of Part II of the *EBR*. For this reason, it would have been appropriate for MMAH to post an information notice. • The other consultation carried out by MMAH was a positive development, although an information notice could have facilitated further input.

Unposted Decision	Ministry Rationale	ECO Commentary
Natural Resources		
Forest Management Guidelines for the Emulation of Fire Disturbance Patterns • These guidelines are required by Term and Condition 94b of the 1994 Class Environmental Assessment for Timber Management Decision to provide direction in relation to harvest layout, configuration and clear cut sizes. • Members of the public raised concerns with the ECO that MNR was using draft guidelines in forest management planning, without releasing them publicly. • These draft guidelines were also the subject of an application for investigation under the *EBR* in 1999.	• MNR stated that there was some confusion about the status of these guidelines. MNR said that the document referred to an analysis of natural fire disturbances which was distributed to the Provincial Forest Technical Committee for review to support creation of the guidelines. • MNR told the ECO in September 2000 that a draft of the fire emulation guideline is intended to be completed by fall 2000 and that a Registry notice will be provided at that time.	• Despite MNR's response, the ECO remains concerned that MNR was implementing the draft guidelines, and was training planning teams and industry foresters in their use in planning clear cuts without providing an opportunity for public comment and formally approving this guidance. • On November 5, 1999, as a result of a "bump-up" request under the *Environmental Assessment Act*, MOE issued a Minister's Order requiring MNR to provide direction on clearcuts to its staff by December 1999; complete the required guidelines for public consultation by September 30, 2000; and finalize and use the guidelines by May 31, 2001. • In response to MOE's order, MNR posted a technical note, providing interim direction for criteria to define clear cuts until the new guidelines are completed, as a proposal for public comment on the Registry in December 1999. • ECO will continue to monitor this situation and awaits a further Registry notice on the draft guidelines in the fall of 2000.

Unposted Decision	Ministry Rationale	ECO Commentary
1999 Ontario Forest Accord • MNR publicly released the Forest Accord at the same time as it posted the Ontario's Living Legacy - Proposed Land Use Strategy on the Registry for comment. • The Forest Accord is an agreement between MNR, representatives of the forest industry and a coalition of environmental groups on numerous forest management issues in Ontario. It also creates a new Forest Accord Advisory Board [OFAAB], to develop a strategy for making additions to the protected areas system and identify areas for intensive forest management.	• MNR indicated that the Forest Accord was signed by various parties and represents items on which they have reached consensus or intend to take further action. • MNR noted that the Forest Accord was available for public inspection on its website. • In September 2000, MNR commented that "where MNR is considering changes to policies, Acts or regulations resulting from Ontario Forest Accord Advisory Board recommendations, and the changes may have a significant effect on the environment, MNR will fulfill its *EBR* obligations."	• MNR's placement of the Forest Accord agreement on its website was not an opportunity for public consultation. MNR should have posted the Forest Accord on the Registry for public comment. • The ECO urges MNR to post any new or amended policies or regulations resulting from the Forest Accord on the Registry for public comment before they are implemented. • The ECO will continue to monitor these environmentally significant issues.

Unposted Decision	Ministry Rationale	ECO Commentary
Government Response to the Consolidated Recommendations of the Boreal West, Boreal East and Great Lakes-St. Lawrence Round Tables • When it posted the Ontario's Living Legacy - Proposed Land Use Strategy on the Registry for comment, MNR also publicly released the government response to the consolidated recommendations of the Lands for Life round tables on its website, but did not post it on the Registry for public comment. • Three citizen round tables, appointed by MNR in 1997 as part of Lands for Life, made 242 draft recommendations in 1998. In the Ontario government's response, 84 of the recommendations were accepted, 4 were not accepted and 25 required further consideration. As well, 129 recommendations were accepted in principle, meaning that the government agreed with the objectives of these recommendations but believed they could be implemented in other ways, or if additional resources were made available.	• MNR did not respond directly to the ECO's concerns. • MNR stated that it intended to meet its obligations under the *EBR* with respect to the implementation of Ontario's Living Legacy. • However, MNR still has not posted the government response on the Registry.	• Although some aspects of the government response were incorporated into the Land Use Strategy, other government commitments will be implemented outside the Land Use Strategy. The government response should have been posted on the Registry. • MNR's placement of the government response on its website was not an opportunity for public consultation. • The ECO urges MNR and MNDM to post any new or amended policies or regulations resulting from the government response to these recommendations on the Registry for public comment before they are implemented. • The ECO will continue to monitor these environmentally significant issues.
Changes to Deer Policy • The minister's message in MNR's 1999 Hunting Regulations Summary indicates that MNR's deer review team is working on updating the provincial deer policy and developing ways to increase and enhance deer hunting opportunities in Ontario.	• MNR indicated that when the 1999 Ontario Hunting Regulations were published, the ministry had anticipated that a provincial deer policy review would be under way. This review has since been delayed indefinitely and the ministry will fulfil its *EBR* obligations should the review be initiated in the future.	• The ECO will continue to monitor this issue and anticipates a Registry notice if MNR proceeds with a review of its deer policy.

Unposted Decision	Ministry Rationale	ECO Commentary
Hunting in Existing Wilderness Parks • The Minister of Natural Resources decided that sport hunting may be allowed in existing wilderness class parks on a case-by-case basis, and this policy change was incorporated into the final Ontario's Living Legacy - Proposed Land Use Strategy. • The ECO was asked by stakeholders to investigate MNR's decision and its failure to post it on the Registry for comment.	• In response to the ECO's verbal inquiries in March and April 2000, MNR staff confirmed that this policy change was not part of the notice for Ontario's Living Legacy posted on the Registry, and said that the minister used his discretion not to post the decision under s. 15(1) of the *EBR*. • The minister and his staff have given conflicting responses and statements in the media. The ECO sent a letter of inquiry to MNR senior management to ask for the ministry's formal response. • MNR stated that there was extensive public consultation about means to enhance hunting opportunities during the Lands for Life public participation process. • MNR added that "broad public consultation would take place prior to any discussion regarding potential hunting opportunities in individual existing wilderness parks...as part of park management planning," that "expansion of hunting opportunities in these parks would not be considered in any park planning initiatives prior to this broad public consultation, which would include posting of notice on the *EBR* Registry," and that "the park management planning process itself also involves broad public consultation, including *EBR* postings at three stages."	• The ECO maintains that this new policy is environmentally significant. MNR should have posted the policy on the Registry for comment given the environmental significance and the public's interest in this issue (MNR received hundreds of letters). • The ECO's review of this matter concluded that the public was not provided an opportunity to comment on this policy change under the Lands for Life/Ontario's Living Legacy proposals. The Proposed Land Use Strategy said that all new parks and park additions, including additions to wilderness parks, would allow sport hunting, but that existing parks would continue under existing permitted uses.

Unposted Decision	Ministry Rationale	ECO Commentary
MNR's Position Paper on Establishing Need for Aggregate Extraction and Niagara Escarpment Plan Amendment Guideline Revisions • In June 1999, MNR presented a position paper to the Niagara Escarpment Commission (NEC), outlining how it would establish the need for aggregate extraction for new or expanded aggregate operations in the Niagara Escarpment Plan (NEP) area. NEC approved this position with several additions and has since updated its Guidelines for Plan Amendments to reflect the principles in MNR's position paper. • MNR, in consultation with NEC, also developed a procedure to standardize how it will interpret and provide expert advice and information on aggregate need through the NEP Amendment review process. NEC accepted this procedure in March 2000.	• MNR stated it had no approval role in relation to the NEP Amendment Guideline Revisions, and that NEC is not prescribed under the *EBR* and therefore not obligated to post policies on the Registry. • In September 2000, MNR also stated that the procedure's clarification does not constitute a significant environmental effect. In addition to public consultation required under the *Aggregate Resources Act* for any new aggregate operation proposals, the matter of need continues to be part of the NEP Amendment process. Public review opportunities for such proposals occur through local media notices, public meetings and hearings. ECO COMMENTARY • The determination of whether or not there is a public need for a particular aggregate resource has environmental implications, potentially influencing whether or not an approval is granted to amend the Niagara Escarpment Plan to permit a new or expanded pit or quarry. MNR has proposed that Niagara Escarpment Plan amendments will be prescribed as instruments under the *EBR*.	• Since implementation of MNR's revised approach to determining the public need for aggregates and NEC's resulting revised Plan Amendment Guidelines could result in the issuance of environmentally significant instruments, ECO maintains that both these documents represent environmentally significant policy that should have been posted on the Registry. • The ECO does not accept that these matters are purely administrative. The material is similar to MNR's manual and guidelines in support of the Provincial Policy Statement section on Natural Heritage, all of which are being posted on the Registry for comment. • However, a complicating factor is a lack of clarity related to the delegation of responsibilities between MNR and NEC relative to Registry notices. It is the ECO's intention to clarify this matter with the ministry in the coming months. • ECO believes that it was inappropriate for the ministry and the Commission to fail to provide for public input and involvement in this long standing environmental and public policy issue.

Unposted Decision	Ministry Rationale	ECO Commentary
Northern Development and Mines		
Red Tape Reduction Act #2 - Schedule O • This Act amends the *Mining Act*, a prescribed Act under the *EBR*, making a number of housekeeping changes such as correcting cross-references, deleting obsolete provisions, and eliminating the need to use a prescribed form. It also grants mining recorders jurisdiction throughout Ontario to provide more flexibility in administering the Act.	• MNDM stated that the changes to the *Mining Act* are administrative in nature, intended to modernize and clarify language in the Act, and will have no significant impact upon the environment. • MNDM also noted that the amendments were discussed and approved by the Mining Act Advisory Committee, which includes ENGO representatives.	• The ministry response is valid.

Unposted Decision	Ministry Rationale	ECO Commentary
Mining Activities and Ontario's Living Legacy • In March 1999, concurrent with release of the government's Ontario's Living Legacy - Proposed Land Use Strategy, the Minister of Northern Development and Mines issued a memorandum and contract to mining claim holders. That package outlined the government's commitment to respect the existing rights of all forms of mining tenure if the claims are adjoining, partially surrounded by, or completely enclosed within the new protected park areas; and the government's willingness to guarantee the current mining rules in an individual contract. • In addition, MNDM announced an increase in mining exploration through two programs. The $19 million program entitled "Operation Treasure Hunt" would include state-of-the-art geophysical and geochemical procedures to pinpoint "buried treasure."	• MNDM maintained that the mining contract, the Operation Treasure Hunt and the Ontario Prospectors Assistance Program were announced as part of Ontario's Living Legacy and included in MNR's March 29/99 notice posted on the Registry. • MNDM stated that the memorandum and contract were intended to inform existing claimholders and provide assurances that their properties would not be included in the parks and protected areas. Because no change in status to existing mining properties is being proposed, there is no impact on the environment. • MNDM maintained that Operation Treasure Hunt involves geoscientific surveys which will have no significant effect on the environment.	• The broad policy decision to exclude existing mining claims from new parks was proposed in the Ontario's Living Legacy notice on the Registry. However, some information in MNDM's memorandum to mining claim holders was inconsistent with certain aspects of the Land Use Strategy. These should have been posted on the Registry for comment. • MNDM continues to develop further details related to new policies, procedures and regulations related to mineral exploration in parks, and the ECO encourages MNDM to post these for public comment on the Registry. The ECO will continue to monitor this issue in the coming year.

Unposted Decision	Ministry Rationale	ECO Commentary
Abandoned Mine Rehabilitation Program • At a September 1999 Conference on Mining and the Environment, the Minister of Northern Development and Mines announced that "tracts of mining land will soon be reopened for new development thanks to a $27-million program to rehabilitate lands that are former mine sites." • MNDM's press release notes that "over the next four years, a number of currently abandoned sites will once again be put to productive use...Sites which pose a risk to public or environmental safety and those with the greatest potential for other productive use will be our first priority."	• MNDM stated that this decision was not posted on the Registry for comment because it forms part of or gives effect to a budget or economic statement presented to the Assembly. • MNDM also indicated that the program clearly meets MNDM's SEV goals because it mitigates the short term and long term effects of abandoned mines. In the first year the program will focus on eliminating physical safety risks, with environmental issues being addressed in future years.	• The ministry's response is valid since it relied on the s. 33 exception in the *EBR*, but it would have been appropriate for MNDM to place an information notice on the Registry. • In February 2000, MNDM announced that site remediation work at the abandoned Kam Kotia mine near Timmins would be conducted, using funds from this program. For more information on the Kam Kotia mine application, see the summary of ECO reviews of applications in the report supplement.

S2 Information Notices January 1999 - March 2000

MBS

Policy - MBS Parent Class EA Renewal Project Draft Terms of Reference — **Comment Period:** Indeterminate

- The Class EA relates to ORC's realty activities, particularly the sale of land.
- The ECO will discuss with MBS the advantages of using a proposal posting instead of an information notice with a comment period. A proposal posting would allow the ministry to show the effect of public comment on the decision and would therefore provide greater transparency for the public.

Policy - Government Business Plans for 1999/2000 — 65 days

- Finalized government business plans describing ministries' core businesses, fiscal goals and strategies.
- Appropriate use of an information notice as these Plans are not required to be posted as proposals on the Environmental Registry for comment.

MCzCR

Policy - Main Street Ontario — None

- One time funding for municipalities for community-oriented Millennium projects.
- Good use of an information notice as some of the funding could be applied to environmental projects such as lake and creek improvements, gardens and public green spaces.

MEST

Regulation - Proposed Regulations Under the *Energy Competition Act* (*Ontario Energy Board Act*, Section 88) — 30 days

- Proposed requirement for electricity suppliers to disclose environmental information to consumers in a competitive electricity market.
- Appropriate use of an information notice since the Act is not prescribed under the *EBR*., however the ECO continues to recommend that MEST prescribe relevant portions of the Act.

MMAH

Regulations - 12 Minister's Zoning Orders — None

- These regulations allow the Minister of Municipal Affairs and Housing to control land use in areas of the province without municipal organization or in areas where the provincial interest is at stake.
- Appropriate use of information notices as Minister's Zoning Orders are not prescribed under the *EBR*.

Instrument - Proposal for Provisional Consents in the District of Kenora — None

- The proposed land use consents (instruments) would sever a strip of land on the shoreline of a lake into 11 parts.
- Good use of an information notice to show the public the "big picture" related to other prescribed instruments posted on the Registry.

MNR	Comment Period
Policy - Daily Possession & Size Limits for Rainbow Trout in Lake Superior & Tributaries • A variation order under the *Fisheries Act* to alter the daily catch and possession limits. • Appropriate use of an information notice since the *Fisheries Act* and its regulations are not prescribed under the *EBR* for the purposes of giving notice of proposal on the Registry.	None
Policy - Reduction in Walleye Harvest Season in a Portion of Black Bay and Three Water Courses Entering Black Bay • A variation order to eliminate the harvest of walleye in the defined areas while efforts to re-establish a viable population proceed. • Appropriate use of an information notice since the *Fisheries Act* and its regulations are not prescribed under the *EBR* for the purposes of giving notice of proposal on the Registry.	None
Policy - Closure of Lake Trout Fishery Shebandowan Lake • A variation order under the *Fisheries Act* to close the Lake to lake trout fishing. • Appropriate use of an information notice since the *Fisheries Act* and its regulations are not prescribed under the *EBR* for the purposes of giving notice of proposal on the Registry.	31 days
Policy - Varying Size Limit for Walleye & Close Time on Lac Des Mille Lacs, Savanne and Little Savanne Rivers • A variation order under the federal *Fisheries Act* to lengthen the fishing season and increase the size of fish permitted to be taken from the lake. • Appropriate use of an information notice since the *Fisheries Act* and its regulations are not prescribed under the *EBR* for the purposes of giving notice of proposal on the Registry.	30 days
Policy - Daily Possession and Size Limits & Annual Close Season for Walleye in Porcupine Lake • A variation order under the *Fisheries Act* to re-open the lake to angling for walleye, subject to the limitations on the daily possession of fish, possession of fish size of certain sizes and the length of season. • Appropriate use of an information notice since the *Fisheries Act* and its regulations are not prescribed under the *EBR* for the purposes of giving notice of proposal on the Registry.	None
Policy - Closure of Lake Whitefish to Commercial Fishing and Lake Trout to Commercial Angling and Commercial Fishing in Ontario in Georgian Bay • A variation order under the *Fisheries Act* to close the lake whitefish fishery to commercial fishing and to close the lake trout fishery to commercial fishing and angling until December 31, 1999. • Appropriate use of an information notice since the *Fisheries Act* and its regulations are not prescribed under the *EBR* for the purposes of giving notice of proposal on the Registry.	None
Policy - Gear Restrictions, Size Limits & Varying Open Seasons for Lake Trout in the Parry Sound Area • A variation order under the federal *Fisheries Act* to limit the fish gear and size of fish to be taken and to vary the opening season on nine trout lakes in the Parry Sound area. • Appropriate use of an information notice since the *Fisheries Act* and its regulations are not prescribed under the *EBR* for the purposes of giving notice of proposal on the Registry.	28 days

MNR continued...	Comment Period
Policy - Strategic Fisheries Management Framework for the Ottawa River • A compendium of the current fisheries management regime on the Ottawa River by the Ontario and Quebec governments which will form the basis for developing and implementing additional strategies for managing the river's fish populations. • Appropriate use of an information notice provided that MNR fulfils its commitment to meet its *EBR* obligations for any resulting proposals that are environmentally significant.	None
Policy - Algonquin Park Management Plan • A consolidation of the government's decisions regarding numerous reviews of several previous reviews of the Algonquin Park Management Plan. • Appropriate use of an information notice given the amount of public consultation already conducted.	None
Policy - Review of Forest Management Program - Administrative & Operational Policy Direction • Over the next two years MNR will review the administrative and operational policy contained in over 400 forestry-related directives, procedures and bullletins. • Appropriate use of an information notice provided that MNR keeps its commitment to meet its *EBR* obligations if any of the policies it proposes to "rescind, replace or otherwise update" are environmentally significant.	None
Policy - Strategic Lands Initiative - A Short-Term Program designed to Bring Improvements to Crown Land • A program that includes the sale of Crown land to provide revenue to the province. • Appropriate use of an information notice since the government's direction was set several years ago, but should the government's direction change, a regular proposal posting for public comment would be appropriate.	None
Policy - License to Harvest Crown Trees Management Plan for Crown Timber on Anaconda Mine Property • Management plan for harvesting Crown timber located on the Anaconda Mine property. • Appropriate use of an information notice as a license to harvest Crown trees is not prescribed under the *EBR* and MNR is proceeding in accordance with an exemption order under the *Environmental Assessment Act*.	30 days
Regulation - Gear Restriction & Annual Closed Season - Lake St. Joseph • Amendment to the Ontario Fisheries Regulation to require the use of barbless hooks and implement a restricted season for all fish species. • Appropriate use of an information notice since the *Fisheries Act* and its regulations are not prescribed under the *EBR* for the purposes of giving notice of proposal on the Registry.	None
Regulation - New Daily Limits for Walleye, Sanger and Lake Trout Fishing in Boundary Waters in MNR's Fort Frances District including Lake of the Woods and Rainy Lake • Amendment to a regulation under the *Fish and Wildlife Conservation Act (FWCA)* and change to the Ontario Fisheries Regulation to set new daily catch limits for non-residents fishing in several parts of MNR's districts and increase the possession limit for walleye and sauger for residents and non-residents fishing the waters of Rainy Lakes. • Appropriate use of an information notice since the *Fisheries Act* and its regulations are not prescribed under the *EBR* for the purposes of giving notice of proposal on the Registry, and changes to the *FWCA* are deemed to have a "neutral" environmental effect.	None
Regulation - Boundary Amendment to Silver Falls Provincial Park • Deregulation of a 0.85 ha corner piece of land from a corner of the Park to permit a power line. • Appropriate use of information notice as amendment not environmentally significant.	None

MNR continued...	Comment Period
Regulation - Changes to the Fish and Wildlife Conservation Act, 1997 • Notice of MNR's development of regulations made under the *Fish and Wildlife Conservation Act, 1997*. • Appropriate use of an information notice as the ministry was using the notice to update the public on the status of regulations previously posted on the Registry for comment.	None

MOE	
Policy - Water Efficiency: A Guidebook for Small & Medium-Sized Municipalities in Canada • The Ontario Water Works Association, with support from MOE, prepared this Guide to assist small and medium-sized municipalities develop water efficiency or water conservation programs. • Good use of an information notice to advise stakeholders and the public of the availability of a document that is not required to be posted on the Registry for public comment.	None
Policy - 18 Proposed New Air Standards by the Ministry of the Environment • MOE prepared information drafts for 18 priority air contaminants and committed to subsequently placing a standard for each contaminant on the Registry as a regular posting. • ECO will discuss with MOE the advantages of using two sequential proposal postings instead of first using an information notice with a comment period. A proposal posting would allow the ministry to show the effect of public comment on the drafting of the standards and would be more transparent to the public.	90 days
Policy - Fine Particulate Matter in Ontario - Compendium of Current Knowledge and Strategic Options • These documents form a base for MOE to solicit public input on particulate matter reduction measures as part of Ontario's particulate matter strategy and input into a positioning for the Canada-Wide Standards-setting process for particulate matter. • The ECO will discuss with MOE the advantages of using two sequential proposal postings instead of first using an information notice with a comment period. A proposal posting would allow the ministry to show the effect of public comment on the drafting of the strategy and would be more transparent to the public.	43 days
Regulation - Amendment to the Drive Clean Program • The amendment simplifies the phase-in schedule of emission standards, provides for the joint implementation in the 13 urban areas and commuting zones and separates the technical content from the Regulation through the use of a Drive Clean Guide. • Appropriate use of an information notice as these changes are administrative in nature.	None
Regulation - Amendment in Response to the Commercialization of Ontario Hydro • The amendment ensures that requirements of the *Environmental Assessment Act* will apply to Ontario Hydro's successor companies as well as to new municipally owned electrical utility corporations. • Appropriate use of an information posting as this amendment is administrative in nature.	None
Regulation - Amendment to Regulation to Clarify the Mixture Rule within the Definition of "Hazardous Waste" • Amendments to Regulation 347 to clarify the wording of the mixture rule within the definition of hazardous waste and incorporate into Regulation 347 (by reference) the Registration Guidance Manual for Generators of Liquid Industrial and Hazardous Wastes, 1995. • Inappropriate use of an information notice. MOE should have posted these regulatory changes on the Registry as a regular proposal for public comment under section 16 of the *EBR* or as an emergency exception under section 29 of the *EBR*.	None

MOE continued...	**Comment Period**
Instrument - Material Recycling Facility in the City of Guelph • Several amendments to the City's Certificate of Approval such as service area, processing hours, applying the new ministry compost guidelines, etc.. • Appropriate use of an information notice based on section 32 of the *EBR*, relating to instruments issued in accordance with other statutory decisions, including the *EAA*.	None
Instrument - Sewage Work Proposal in Grey County • Expansion of an on-site sewage system at Ziontario Campgrounds with the additional effluent being pumped into the existing septic tank. • Appropriate use of an information notice. Under Regulation 681/94 this instrument is not prescribed under the *EBR*.	None
Instrument - Mobile PCB Decontamination in Dufferin County • Site approval for Rondar Incorporated to decontaminate PCB's using mobile chemical equipment. • Appropriate use of an information notice. Under Regulation 681/94 this instrument is not prescribed under the *EBR*.	None
Instrument - Amendment to Existing Certificate for Changing Fuel Source of the Primary and Secondary Burner • An amendment to a certificate of approval (air) for Dupont Canada to change the fuel source of a primary and secondary burner from propane to natural gas. • Appropriate use of an information notice as this proposal appears to be environmentally insignificant.	None
Instrument - Application to Take Water by the Town of Lincoln • A water taking permit granted to the Town of Lincoln. • Appropriate use of an information notice on the basis of section 32 of the *EBR*, relating to instruments issued in accordance with other statutory decisions, including the *Environmental Assessment Act*.	None
Instrument - 2 Applications for Permits to Take Water by the Canadian Gypsum Company Ltd. •The ministry posted notices for two consecutive three-month water taking permits for the Canada Gypsum Company to bridge to a new permit that had been posted on the Environmental Registry for comment. MOE's first notice was unclear about whether or not the ministry had issued the first temporary permit. • Appropriate use of an information notice as water taking permits under one year in length are not required to be posted on the Registry.	None
Instrument - A Notice of Process Change in Accordance with a Facility-Wide Certificate of Approval at General Motors Oshawa • Notice that General Motors was changing some of the surface primer solvent components in Car Plant 2. • Appropriate use of an information notice. The original facility-wide certificate of approval was posted on the Environmental Registry for comment.	60 days
Instrument - Approval for Sewage Works in the Municipality of Halton • Meritor Suspension Systems Company applied for a storm water management program to intercept and treat storm water runoff prior to discharge to the Milton Sewage Treatment Plant. • Appropriate use of an information notice since the notice explained that the proposed approval would not permit an increase in the discharge of contaminants from the discharge point.	None

MOE continued... **Comment Period**

Instrument - 2 Program Approvals - Preventing, Reducing or Controlling Discharge at the Pickering and Darlington Nuclear Generating Stations 30 days

- The plants were unable to consistently meet all the effluent limits imposed by the Clean Water Regulation, so Ontario Power Generation applied to MOE to install additional equipment to meet the regulations, with the program approvals expiring in December 1999.
- Appropriate use of an information notice on the basis of section 32 of the *EBR*, relating to instruments issued in accordance with other statutory decisions, including the *Environmental Assessment Act*.

S3 Evaluating the Use of Exception Notices by the Ministries

Description	Reason for Exception	ECO Comment
Registry #: IA00E0039 Ministry: Environment Posted: January 31, 2000 MOE issued an emergency certificate of approval (CofA) under section 31 of the *Environmental Protection Act (EPA)* to the Seguin Landfill site, extending its approval for one month. The proponent and the municipality have been told to look into other options for disposal while the temporary approval is in place.	Section 29 of the *EBR* (Emergency) • A certificate of approval under section 31 of the *EPA* is only issued where, in the opinion of the Director, an emergency situation exists. By definition, such a decision falls under section 29 of the *EBR*. • MOE states that a delay in issuing this approval could pose a risk to the health and safety of residents since the municipality does not have another site for the waste.	• The ministry used the exception notice in an inappropriate manner. • The Seguin Landfill has been operating under an emergency certificate of approval since June 10, 1999. It is unclear why other options for disposal were not explored between then and January 31, 2000. • The continued use of emergency certificates of approval undermines public participation in decision-making over the future of waste disposal in the municipality and denies residents the opportunity to exercise their right to seek leave to appeal.
Registry #: IA9E1400 Ministry: Environment Posted: December 21, 1999 MOE issued an emergency certificate of approval under section 27 of the *EPA* to H. Dodge Haulage Ltd. extending the current approval that expired on December 31, 1999 to March 31, 2000. The proponent applied for a long-term approval as well as an amendment to include the Township of Monogowin. This proposal was posted on the Registry for a 30 day public comment period (Registry Number IA9E1401).	Section 29 of the *EBR* (Emergency) • This temporary approval will ensure that the affected communities will continue to have a means of disposing their waste. A delay in issuing this approval by posting it under section 22 of the *EBR* could pose a risk to the health of residents in the client municipalities that will have no garbage removal.	• The ministry used the exception notice in an appropriate manner. • The continued use of emergency certificates of approval undermines public participation in decision-making. However, in this case, the proponent has made an application for long term approval concurrent with the emergency approval. As well, the proponent is seeking approval under the *Environmental Assessment Act*. For these reasons, this was an appropriate use of an exception notice.

Description	Reason for Exception	ECO Comment
Registry #: RB9E6012 Ministry: Natural Resources Posted: November 15, 1999 MNR is proposing to establish eight new provincial parks and make additions to five existing provincial parks, as identified in the "Ontario's Living Legacy Land Use Strategy." This requires an amendment to Regulation 951 of the *Revised Regulations of Ontario, 1990*, made under the *Provincial Parks Act*.	Section 30(1) of the *EBR* (Equivalent Public Participation) • The environmentally significant aspects of these eight new provincial parks and additions to five existing provincial parks were already considered as part of extensive public consultation leading up to the government's July 1999 release of the "Ontario's Living Legacy Land Use Strategy."	• The ministry used the exception notice in an appropriate manner. • The regulation had already been considered in a process of public participation. In addition, the exception notice outlines how the public may provide comments to MNR regional offices. MNR has committed to providing updates to this exception notice as the proposal develops.
Registry #: RB9E6011 Ministry: Natural Resources Posted: November 15, 1999 MNR is proposing to establish 51 new conservation reserves as identified in the "Ontario's Living Legacy Land Use Strategy." This requires an amendment to Ontario Regulation 805/94 (Conservation Reserve) made under the *Public Lands Act*.	Section 30(1) of the *EBR* (Equivalent Public Participation) • The environmentally significant aspects of these 51 conservation reserves were already considered as part of extensive public consultation leading up to the government's July 1999 release of the "Ontario's Living Legacy Land Use Strategy."	• The ministry used the exception notice in an appropriate manner. • The regulation had already been considered in a process of public participation. In addition, the exception notice outlines how the public may provide comments to MNR regional offices. MNR has committed to providing updates to this exception notice as the proposal develops.
Registry #: IA9E1710 Ministry: Environment Posted: November 5, 1999 MOE issued an Order under section 44 of the *EPA* (Order for conformity with Act for waste disposal sites). An inspection revealed that Lacombe Waste Services was not in compliance with its certificate of approval. The company was storing subject wastes in excess of its permitted limits. MOE ordered Lacombe Waste Services to hire a consultant to review hazardous waste mixing practices at the site. The ministry also issued two field orders specifying what steps the company has to take to comply with its CofA.	Section 15.2 of O. Reg. 73/94 (Specific exemption for instruments issued under sections 43 and 44 of the *EPA*, which are Director's Orders issued to waste sites that are operating illegally) • Section 15.2 of O. Reg. 73/94 states that the requirements of Part II of the *EBR*, other than section 36 (notice of decision on proposals), do not apply in relation to a proposal to issue, amend or revoke an order under section 43 or 44 of the *EPA*.	• The ministry used the exception notice in an appropriate manner.

Description	Reason for Exception	ECO Comment
Registry #: IA9E1020 Ministry: Environment Posted: September 3, 1999 MOE issued an Order under section 136 of the *EPA* (Order for performance of environmental measures.) Due to a fire at the Muskoka Recycling Facility, Muskoka Containerized Services needs to operate a temporary recyclable material transfer facility in a warehouse in Bracebridge. This transfer facility for Blue Box recyclables will be used during the reconstruction of the Muskoka Recycling Facility over the next three to six months. The temporary facility will receive a maximum of 200 tonnes per day and the company will be prohibited from storing specific material for longer than one week due to the confined space at the warehouse.	Section 29(1) of the *EBR* (Emergency) • This proposal was not placed on the Registry as it is an emergency CofA to temporarily allow the company to operate their recycling plant as their original site building was destroyed by fire. The company has contracts with local municipalities and not issuing this CofA on an emergency basis would cause undue hardship to the municipalities being served by this company.	• The ministry used the exception notice in an appropriate manner given that the approval is temporary and is required as a result of a fire. • Although MOE did not have time to post this proposal on the Registry for a 30-day comment period, staff did notify the township and adjacent neighbours. No comments or concerns were received.
Registry #: ID9E1013 Ministry: Northern Development and Mines Posted: August 13, 1999 MNDM issued an Order to Royal Oak Mines Inc. under section 148(2) of the *Mining Act* (Order to rehabilitate a site), requiring Royal Oak to take immediate action to secure a number of mine sites.	Section 29(1) of the *EBR* (Emergency) • The existing and potential mine hazards are a public health and safety issue.	• The ministry used the exception notice in an appropriate manner. However, further information about the nature of the harm posed to the environment and public safety would have been helpful.
Registry #: IA9E0683 Ministry: Environment Posted: June 14, 1999 MOE issued an Order under section 43 of the *EPA* (Order for removal of waste and restoration of site) to 1101728 Inc., ordering the company to remediate TCA contamination on the property.	Section 15.2 of O. Reg. 73/94 (Specific exemption for instruments issued under sections 43 and 44 of the *EPA*, which are Director's Orders issued to waste sites that are operating illegally) • Section 15.2 of O. Reg. 73/94 states that the requirements of Part II of the *EBR*, other than section 36 (Notice of decision on proposals), do not apply in relation to a proposal to issue, amend or revoke an order under section 43 or 44 of the *EPA*.	• The ministry used the exception notice in an appropriate manner. • The Order contained further terms and conditions issued under other prescribed instruments. These aspects of the Order were posted on the Registry for public comment as required under the *EBR* (Registry number IA9E0683).

Description	Reason for Exception	ECO Comment
Registry #: 1A9E0639 Ministry: Environment Posted: June 1, 1999 MOE issued a temporary amendment to an existing provisional certificate of approval for a waste disposal site to permit the receipt of up to 800 tonnes per day (tpd), the storage of up to 1000 tonnes at any one time, and the transfer off-site of up to 600 tpd of waste for ultimate disposal. The expansion requested is temporary and is to cover the time up until September 1, 1999.	Section 29(1) of the *EBR* (Emergency) • MOE states that the proponent has been unable to find feasible alternate disposal sites for the waste which is presently being managed at this site. Further unforseen delays in reopening the alternate at the Brydon facility has prevented the proponent from diverting waste from this site. • Not allowing the proponent to continue operations could result in harm to the environment as it has no other suitable site for waste disposal.	• The ministry used the exception notice in an inappropriate manner; the "emergency" is a result of the proponent's inability to find feasible alternate disposal sites for the waste which is presently being managed at this site. It is the proponent's responsibility to find an alternative site in the time frames set out. Issuing further emergency approvals provides little incentive to the proponent to meet its responsibilities. • The use of emergency certificates of approval undermines public participation in decision-making over the future of waste disposal in the municipality.
Registry #: PB7E1018 Ministry: Natural Resources Posted: May 6, 1999 MNR implemented recommendations regarding the Northern Lights Lake Corridor in response to public concern about proposed changes to the management of Crown land in this area. The purpose of the notice is to provide notice of MNR's decision and to describe how MNR addressed concerns arising from the heavy use of Crown land in the Northern Light Lake Corridor.	Section 30(1) of the *EBR* (Equivalent Public Participation) • The ministry used section 30(1) of the *EBR* to post notice of this exception because the environmentally significant aspects of the proposal have already been considered in a process of public participation under the *EBR* or any other Act that was substantially equivalent to the process required under the *EBR*.	• At this time, the ministry used the exception notice in an appropriate manner as it was simply providing an update on the status of this project. • However, in 1997, the ECO reported that MNR had used an exception notice inappropriately for this decision because there was no province-wide notice and consultation on the decision to implement the management plan.

Description	Reason for Exception	ECO Comment
Registry #: 1A9E0498 Ministry: Environment Posted: April 21, 1999 MOE issued an approval for sewage works under section 53(1) of the *Ontario Water Resources Act* to Northern Wood Preservers Inc., permitting the company to facilitate treatment of contaminated water currently contained within a large retention pond. The treatment technology involves a supernatant treatment system consisting of granular activated carbon.	Section 29(1) of the *EBR* (Emergency) • The retention pond, for which this system is needed, is currently full. Expected intense rainfall may cause overflow of contaminated water into the environment. An overflow from the pond will have a significant negative impact on the local water environment unless the treatment system is put into operation.	• The ministry used the exception notice in an appropriate manner since there are potentially negative impacts on the environment from an unforeseen problem.
Registry #: 1A9E0075 Ministry: Environment Posted: January 20, 1999 MOE gave notice of its intent to serve Philip Environmental with an order under section 44 of the *Environmental Protection Act*. Within 30 days of receiving the order, Philip must supply MOE with financial assurance in a form acceptable to the Director and in the amount listed in the CofA. If financial assurance is not received by the ministry after 30 days, Philip shall be prohibited from receiving and disposing of waste at their Taro landfill until acceptable financial assurance is received.	Section 15.2 of O. Reg. 73/94 (Specific exemption for instruments issued under sections 43 and 44 of the *EPA*, which are Director's Orders issued to waste sites that are operating illegally) • Section 15.2 of O. Reg. 73/94 states that the requirements of Part II of the *EBR*, other than section 36 (Notice of decision on proposals), do not apply in relation to a proposal to issue, amend or revoke an order under section 43 or 44 of the *EPA*.	• The ministry used the exception notice in an appropriate manner. • Despite not being required to do so, MOE did invite public comment on the proposed order for a period of 30 days.

S4 Reviews of Selected Decisions on Policies, Acts and Regulations

1. Ministry of the Environment Decisions **pages S4-1 to S4-38**
2. Ministry of Natural Resources Decisions **pages S4-39 to S4-73**

Review of Posted Decision: Regulation under the *Ontario Water Resources Act*: Water Taking and Transfers Regulation (O. Reg. 285/99)

Decision Information:

Registry Number: RA8E0037
Proposal Notice: December 18, 1998
Decision Notice: May 14, 1999
Comment Period: 60 days
Number of Comments: 5
Regulation filed: April 30, 1999

Description:

This new regulation provides for the "conservation, protection and wise use and management of Ontario's waters" by setting out criteria that must be considered before issuing a permit to take water (PTTW) under section 34 of the *Ontario Water Resources Act (OWRA)*. Previously, these criteria were set out only in MOE policies and guideline documents. The first set of criteria are mandatory and must be considered. These include the impact the water taking will have on the natural functions of the ecosystem and other water supplies. There is also a list of discretionary impacts that may be considered, including livestock uses, municipal sewage and water supply uses, other agricultural uses, and domestic uses (i.e., wells). Furthermore, the Director may consider whether it is in the public interest to grant the permit. Finally, a Director must also consider Ontario's obligations under the Great Lakes Charter, a non-binding arrangement between the provinces of Ontario and Quebec and the eight U.S. Great Lakes States that provides for cooperative planning and management of the water resources of the Great Lakes Basin.

Transfers of water between three large defined water basins (waters draining into the Great Lakes-St. Lawrence River, the Nelson River, and Hudson Bay respectively) are also now prohibited under this regulation. However, there are a number of exceptions to this rule, including water packaged in a container of 20 litres or less, transfers that had commenced before January 1, 1998, and waters transferred from Shoal Lake on the Manitoba/Ontario border for use by the City of Winnipeg.

Implications of the Decision:

PTTWs are an important means of anticipating and minimizing the impacts of water takings on the environment and for resolving conflicts between different users of water. Setting out criteria for the approval of PTTWs in regulation will ensure that these criteria are considered in every instance.

The restriction on surface water transfers across water basin boundaries provides some protection to Ontario's waters from the threat posed by bulk diversion projects. It is also

consistent with the recommendation of the International Joint Commission (IJC) released in March 2000.

Public Participation and *EBR* Process:
MOE made important changes to the proposal in response to the five comments received, including:

- The scope of the regulation was broadened to include groundwater.
- Criteria were divided into mandatory and discretionary categories.
- A specific clause was added to recognize Manitoba's historic right to water from Shoal Lake.

Other issues raised by the comments were not incorporated into the final decision. MOE did provide a rationale for not acting upon these comments in most cases, although it did not provide an explanation for a couple of issues raised.

SEV:
MOE stated that this decision is consistent with its SEV because it protects the environment by ensuring that an array of interests are considered in approving PTTWs; requires Directors to consider a host of factors which is consistent with the ecosystem approach; and bans the transfer of water between basins, ensuring that water is conserved for future uses. This regulation does not appear to conflict with any MOE SEV commitments.

Other Information:
There were five appeals of PTTWs under section 38 of the *EBR* in 1999, two of which were successful in obtaining leave to appeal. Both of these were settled without an appeal hearing after the appellant, MOE and the proponent agreed to more rigorous conditions being incorporated into the PTTW in each case. In one decision of the Environmental Appeal Board involving a leave to appeal application, the Board member, despite not granting leave to appeal, encouraged MOE to place greater emphasis on the ecosystem approach in granting PTTWs in the future. The number of appeals involving PTTWs demonstrates the wide range of interests that may be impacted by water takings and the need for Directors to consider these interests in deciding whether or not to issue permits.

ECO Comment:
Water has become a central issue in Ontario. Water exports and groundwater received extensive media coverage in 1999. In passing this regulation, MOE has taken steps to ensure that it has the power to regulate the use of water more effectively. However, MOE Directors will need the necessary background information in order to apply the requirements of this regulation. The ECO has recommended in past annual reports that MOE, MNR, MMAH, and OMAFRA work together toward developing a groundwater strategy for Ontario. Such a strategy would provide a valuable complement to this regulation.

In February 1999, MOE, MNR, MMAH and OMAFRA, along with MEDT, formed a committee

known as the Ontario Water Director's Committee, which is responsible for developing a provincial strategic direction and an integrated multi-year business plan for water management, providing a coordinated government response to water issues, and coordinating provincial water management programs. As of March 2000, the committee had not publicly announced any new policies or guidelines.

The prohibition on the transfer of water between basins is limited to three very large watersheds. Transfers between smaller basins that lie within the larger watersheds are still permitted. For example, there has been some discussion of building a water pipeline from Georgian Bay to central Ontario to provide communities (Waterloo, Cambridge, Guelph) with water. This would transfer water from Lake Huron's watershed to Lake Erie's without violating the prohibition set out in the regulation. Some commenters note that such a transfer still has the potential to have significant environmental impacts. MOE does state that such transfers would still be required to meet the other criteria set out in the regulation in order to be approved.

The exception for bottled water enables significant quantities of Ontario water to be exported to other jurisdictions. As of July 1999, PTTWs authorizing the withdrawal of 18 billion litres per year of water for bottling operations have been issued in Ontario. However, according to an IJC report, only 4 per cent of the allotted amount, or 720 million litres of water, is currently being withdrawn annually. The IJC further concluded that the withdrawal of bottled water is not believed to "endanger the integrity of the ecosystem of the Great Lakes," but that "caution should be taken to properly assess the possible significant local impacts of removals in containers." This regulation provides the framework to ensure that local impacts are carefully considered in deciding whether or not to issue PTTWs.

The regulation contains a specific provision permitting MOE Directors to consult with other persons who have an interest in the water taking. However, the *EBR* already provides for this type of consultation to occur on any prescribed instruments. It doesn't appear that the regulation adds anything more than is already provided for under the *EBR*.

Review of Posted Decision: Amendments to O. Reg. 524/98 under the *Environmental Protection Act* - Certificate of Approval Exemptions for Air Emissions (O. Reg. 505/99)

Decision Information:
Registry Number: RA8E0036
Proposal Notice: December 2, 1998
Decision Notice: November 18, 1999
Comment Period: 60 days
Regulation filed: October 21, 1999

Description:
The regulation amends O.Reg. 524/98 under the *Environmental Protection Act* (*EPA*) - Certificate of Approval Exemptions - Air. That regulation is an approvals exemption regulation, or "AER," created as part of MOE's approval reform initiatives. The AER listed several emissions sources and created exemptions for them from the requirement under section 9 of the *EPA* to obtain a certificate of approval for air emissions. Regulation 505/99 amends the AER by adding to the exempted list of emissions sources.

Additions to the *EPA* section 9 approvals exemptions in the AER include:

- the emissions from a racetrack if the emission is attributable to the racing of dogs, horses, or motorized and non-motorized vehicles;
- the emission of contaminants from the grounds or premises upon or in which a special amusement, entertainment, charitable, political, educational, artistic, musical or sporting event is held, if the emission of contaminants is attributable to the special event;
- natural gas and propane gas dispensing units;
- the emission of contaminants from a shooting range, if the contaminants are attributable to the firing of a gun or guns;
- any equipment, apparatus, mechanism or thing that is used for the ventilation of emissions resulting from vehicles, trains, forklifts, etc., used in warehouses or enclosed storage areas;
- any equipment, apparatus, mechanism or thing that is used solely to mitigate the effects of an emergency declared to exist under the *Emergency Plans Act*.

Implications of the Decision:
The ministry assessed the potential social and economic impact of the decision. It maintained that the additions to the AERs would streamline the ministry's approvals program and allow it to provide a more efficient and cost-effective process that would allow it to "focus its resources on environmentally significant activities without compromising the integrity of the environment." MOE also claimed that the proposed amendments would achieve time savings, reduce costs and provide certainty in the approvals process for a number of activities.

The regulatory impact information in the posting also states that candidates for AERs must have insignificant environmental impacts or be addressed through local land use planning or noise bylaws. It is possible, however, that trying to control emissions such as noise with local land use

planning tools instead of province-wide regulations could create inconsistencies among communities in Ontario.

As with the original AER, the regulation lessens the opportunity for public notice and comment on the Registry for activities listed. The right to seek leave to appeal of an instrument listed in the regulation or to request a review under the *EBR* will also be removed.

Public Participation and *EBR* Process:
The initial posting was for 30 days, over the Christmas holidays, and after concerns were expressed by members of the public, it was extended to 60 days. According to the EBRO's Registry statistics, this was the second most visited posting on the Registry in 1999. It received fifteen comments.

The Registry posting indicates that earlier proposed concepts for AERs and standardized approval regulations (SARs) were posted on the *EBR* Registry on February 10, 1998 for a 45-day comment period. Over 100 stakeholders were mailed information packages on the SARs/AERs. MOE cited the 30-day consultation period for Bill 57, the *Environmental Approvals Improvement Act*, and the consultation it did on Responsive Environmental Protection. The ministry indicates that the comments received for these related proposals were considered in selecting the candidates for AERs and SARs.

Several commenters, including municipal officials, expressed their concern that local land use planning tools would create inconsistencies between bordering communities across Ontario and would be insufficient to address the problems created by noise from shooting ranges, entertainment venues and race courses. A minority of comments supported the AER additions.

SEV:
MOE stated in its SEV consideration document that the AER proposal was consistent with the ecosystem approach and the resource conservation principle set out in its SEV, but did not explain how it was consistent with the purpose of the *EBR* to prevent, reduce and eliminate the release of pollutants that are an unreasonable threat to the integrity of the environment, and to protect the right to a healthful environment by the means provided in the *EBR*. While MOE's retention of the right to prosecute adverse effects under the *EPA* supports the environmental protection principle in its SEV, it does not appear to consider thoroughly the environmental impact of some of the emissions, particularly those related to noise.

Other Information:
In the past the ECO has received applications for investigation related to noise from race courses, which is one of the proposed AER exemptions. Although the posting states that candidates for AERs must have insignificant environmental impacts or be addressed through local land use planning or noise bylaws, concerns raised by applicants and by commenters on the regulation indicate that noise pollution can be environmentally significant, impinging on Ontario residents' rights to enjoy their property and live, work and conduct business in their

communities. An additional concern is that local land use planning methods are not sufficient to control the noise emissions.

ECO Comment:
The ECO recognizes the concerns expressed by municipal officials and other commenters that some of the noise emissions exempted by the regulation are not insignificant and may not be addressed by local land use planning or noise bylaws. Removing this type of pollution from province-wide control could create inconsistencies among communities across Ontario.

While the decision may have beneficial economic impacts by providing relief from the approvals process, it also has a negative impact on the public's ability to know about and influence decisions on the included instruments. The removal of instruments from the Registry notice and comment process, as well as the instrument appeal and review processes, will decrease public participation opportunities for these environmental decisions.

Review of Posted Decision: Bill 82, *An Act to Strengthen Environmental Protection and Enforcement* (Amending the *EPA*, *OWRA*, and the *Pesticides Act*)

Decision Information:

Registry No: AA8E0002
Proposal Notice: November 24, 1998
Decision Notice: December 24, 1998

Comment Period: 10 days
Number of Comments: 17
Act came into Force: February 1, 1999 (except a few sections not yet in force, including administrative monetary penalties provisions; will come into force on proclamation)

Description:

Bill 82 amends Ontario's environmental protection statutes - the *EPA*, the *OWRA* and the *Pesticides Act* - to strengthen enforcement and investigation powers and penalties. The stronger enforcement and penalty provisions include:

- introduction of regulatory powers to introduce administrative monetary penalties (AMPs) for minor environmental infractions;
- authority for provincial officers to issue a broader range of orders;
- extension of current provisions that prohibit people from illegally disposing of waste, so that they will now also allow MOE to prosecute those who facilitate, arrange for or broker illegal dumping;
- introduction of new penalties for polluters, such as increased maximum fines, wider use of jail terms, restitution orders, forfeiture of items seized as a result of an environmental offence, and court-directed forfeiture for collecting unpaid fines.

The provisions that provide for more effective investigations and inspections include:

- permission to obtain warrants to use modern investigative aids such as chemical tracers and electronic trackers to monitor materials or equipment used in environmental offences;
- authority to secure areas and facilities to ensure protection of evidence;
- broadened authority to seize vehicle permits and licence plates.

Bill 82 also makes a number of administrative amendments to modernize record-keeping and to consolidate and clarify various sections.

The stated purpose of this proposal is to update and strengthen compliance and enforcement provisions to provide "greater ability to effectively deter and punish those who choose to operate outside the law and threaten our air, land and water....The intention of the proposed legislation is to be fair to those who comply with Ontario's environmental laws and regulations but tough on those who break them."

Implications of the Decision:

Most of the amendments in Bill 82 strengthen enforcement and investigation powers and

penalties and should have a beneficial impact on environmental protection in Ontario. However, an ENGO expressed concern that administrative penalties will be used in place of prosecutions. The maximum fine under a prosecution is $25,000 for individuals and $100,000 for corporations. The maximum fine under an administrative penalty is $5,000. The concern was that the low ceiling of $5,000 for contraventions of environmental laws will be perceived by many companies as a "license to pollute." Therefore, there could be negative effects on the environment if MOE uses AMPs in situations where prosecutions are required.

Bill 82 also has some implications for future public participation under the *EBR*. The amendments expand the powers of provincial officers to issue field orders, which are exempt from the notice and comment provisions under Part II of the *EBR*. The expanded powers to issue field orders will result in the issuance of more orders that are not subject to the Part II public participation requirements of the *EBR*. Members of the public will not receive notice concerning these field orders on the Environmental Registry and will not have the opportunity to comment on them, or appeal them using the *EBR*'s leave to appeal provisions.

Public Participation and *EBR* Process:
Bill 82 was placed on the Environmental Registry for a public comment period of only 10 days. One day after it was posted, the ECO wrote to MOE and urged the ministry to comply with the minimum posting period of 30 days. MOE responded to the ECO by stating that elected members had the opportunity to provide input on the bill in the Legislature and that the period for posting was reasonable to ensure that public comments would be received and considered before the end of the legislative session on December 17, 1998. This shortened comment period was seriously inadequate when evaluated in terms of the ECO's *Guidance Document on Environmental Registry Notice and Comment Procedures*, dated August 1996, which recommends that ministries post complex proposals related to policy development, such as this bill, at the earliest reasonable time. Of the 17 comments submitted on Bill 82, 14 expressed concern about the brief comment period and requested further opportunity to comment on the proposed changes. MOE did not respond to these comments in its decision posting on the Registry.

MOE provided the following description of the effect of comments on the decision of the ministry: "No changes were made to Bill 82 as a result of the comments received. In general, the comments received supported improving environmental compliance and enforcement. Comments were received on aspects of AMPs. These will be dealt [with] through the development of the regulation related to administrative penalties. Comments were also provided on aspects of Provincial Official powers. These will be dealt with through revising the ministry's Compliance Guideline to reflect the changes to the legislation and training of Provincial Officers."

A review of the comments received on Bill 82 indicates that many comments supported the principles behind the bill, but that industry commenters had a number of serious concerns about it. These concerns included the following: a distrust of enabling legislation which gives broad

regulation-making powers; the breadth of powers being granted to provincial officers without adequate oversight; the introduction of an enforcement role for abatement officers who had developed good working relationships with industry; a lack of procedural safeguards in relation to AMPs; and the fear that the purpose of AMPs was revenue generation rather than compliance. MOE did not respond in the Registry posting to specific concerns raised in the comments.

ENGOs raised concerns over AMPs (discussed above) and over the vague provisions on extended liability for waste. MOE did not respond to these concerns in the decision posting.

SEV:
MOE did consider its SEV in making this decision. In considering its SEV commitment to environmental protection, MOE noted that the "proposed legislative amendments protect the environment by enhancing compliance with and enforcement of environmental protection legislation," so that MOE "will be preventing the release of pollutants and minimizing their release consistent with the environmental protection legislation." MOE also considered that "increasing compliance with environmental protection legislation and having the ability to be tough on polluters addresses human interactions with the ecosystem" and contributes to "safeguarding a healthy environment in Ontario." MOE added that "compliance with and enforcement of environmental protection legislation indirectly contributes to resource conservation by upholding the legislation that promotes it."

Bill 82 appears to be consistent with MOE's SEV, in particular with MOE's commitment to environmental protection.

ECO Comment:
As most of the commenters on Bill 82 pointed out, the 10-day comment period was unreasonable. Even if members of the public check the Registry daily (and many are not able to do so), 10 days is an inadequate period of time to comment on a long and complex set of legislative amendments. It is likely that even the minimum period of 30 days on the Registry would have been inadequate for this proposal. MOE must give an adequate period of time for notice and comment when using the Environmental Registry.

We will monitor the implementation of AMPs and revisions to MOE's Compliance Guideline.

To address the growing public participation deficit, MOE could consider prescribing orders issued by provincial officers under the MOE instrument classification regulation, so that provincial orders will be subject to the Part II public participation requirements of the *EBR*.

Review of Posted Decision: Deadlines Regulation under the *Environmental Assessment Act* (*EAA*) as amended by Bill 76 (*Environmental Assessment and Consultation Improvement Act)*

Decision Information:
Registry Number: RA7E0010
Proposal Notice: July 22, 1997
Decision Notice: July 15, 1999
Comment Period: 60 days
Regulation Filed: November 27, 1998

Description:
This regulation sets out prescribed deadlines for the completion of key steps in the EA process, including approval of the terms of reference (TOR), government's technical review, public agency review, public comment period, and final decision on the approval. This regulation was passed under amendments to the *EAA* made by the *Environmental Assessment and Consultation Improvement Act, 1996*. For background on this Act, see the ECO annual report 1996, pg. 23.

Implications of the Decision:
The purpose of this regulation is to provide time savings, reduce costs, and provide certainty in the EA process for the public and proponents. It should cut the length of the environmental assessment and review process in half, from an average of two years to one.

Although this regulation does not affect the substantive aspects of the EA process, it does have important procedural implications. Members of the public will be required to submit their comments to MOE on a proposed terms of reference within five weeks of the notice of submission being given. Similarly, comments on the proposed EA study must be submitted within seven weeks of notice being given, and final comments on the government review must be submitted within five weeks. Some individuals and groups may come under pressure in meeting these deadlines.

Public Participation and *EBR* Process:
There was one comment on this proposal which suggested that some deadlines contained in the regulation were unrealistic and that there should be a public process set out to extend the deadlines as necessary. In response, MOE did extend the amount of time for the public to review the proposed terms of reference and submit comments from four to five weeks. Other deadlines remain as proposed. MOE did not explain why it was decided that the other deadlines were appropriate or why a process for extending the deadlines was not necessary.

MOE has indicated that notices of deadlines for all individual EAs, such as the submission of draft terms of reference for environmental assessments or completion of the government review, will be posted on MOE's EA web site. However, the notices will not be posted on the Environmental Registry because the relevant sections of the *EAA* are not prescribed instruments under the *EBR*.

Proponents who are prescribed for policy decisions under the *EBR* (e.g, MNR) are required to

post the proposed terms of reference for 30-day public comment on the Registry before they are submitted to MOE for approval. Non-prescribed proponents (e.g. municipalities) are not required to post proposed TORs on the Registry, although the *EAA* does require all proponents to consult with the public before submitting their TOR.

SEV:
MOE states that this proposal is in keeping with the ministry's SEV. The changes do not alter the role EA plays in satisfying the ministry's commitment to an ecosystem approach, environmental protection or resource conservation. At the same time, the deadline regulation will reduce costs and provide certainty in the EA process, reducing negative social and economic impacts, in accordance with the "Integration with Other Considerations" section of the ministry's SEV. MOE does not explain how the deadlines regulation is consistent with the ministry's commitment to public participation under the SEV.

ECO Comment:
Certainty and timeliness are desirable qualities in any public participation process. To the extent that this regulation promotes these goals, it should contribute positively to public participation as envisioned under the *EBR*. However, individuals and groups will need access to information in a timely fashion to meet the strict deadlines set out under this regulation. MOE must ensure that information is easily accessible and that the EA web site is kept up to date.

The use of two different Internet sites – the Environmental Registry and the EA Activities Web site – will be confusing to some members of the public. It would be preferable if all the information was accessible through one Registry.

A decision notice was not posted on this proposal until July 1999, eight months after the regulation was filed. MOE needs to move more quickly to post decision notices in a timely manner in order to keep the public informed and up to date.

Review of Posted Decision: Amendments to the Boilers Regulation (Reg. 338) and the Sulphur Content of Fuels Regulation (Reg. 361) (O. Reg. 521/99)

Decision Information:

Registry No: RA8E0035
Proposal Notice: November 20, 1998
Decision Notice: November 22, 1999
Comment Period: 30 days
Number of Comments: 2
Regulations Filed: November 5, 1999

Description:

MOE decided to file two regulations that were proposed under "Better, Stronger, Clearer" in November 1997. The regulations amend Regulation 338 and Regulation 361.

Regulation 338 (Boilers), made under the *Environmental Protection Act*, prohibits the use of fuel oil or coal with a sulphur content of more than 1 per cent in boilers. Boilers are equipment used to produce hot water or steam. Originally, section 2(1)(b) of Regulation 338 applied to boilers that undergo physical modifications which change the ability of the boiler to use fuel. O. Reg. 521/99 amends this provision to specify that the regulation applies only to boiler modifications that result in either an ability to fire fuel of a different type or grade that has a higher sulphur content, or an increase in the maximum heat input capacity of the boiler at its maximum continuous rating.

The stated purpose of the proposal was to remove uncertainties about the nature of physical modifications to boilers to which the regulation applies. Under Regulation 338 as it read prior to this amendment, almost any type of modification to a boiler required the operator to upgrade the boiler to meet the strict sulphur content limits. This acted as a disincentive to owners who wanted to make any modifications to their boilers, even slight modifications that would improve a boiler's environmental performance, because they would have to invest significant resources to upgrade the boiler to meet the strict standards set out in the regulation. Now, owners of boilers that did not previously have to meet the strict limits may make minor modifications that improve the environmental impacts of the boiler and still not have to meet the strict limits set out in Reg. 338.

O. Reg. 522/99 makes purely administrative amendments to Regulation 361 (Sulphur Content of Fuels), made under the *Environmental Protection Act*, to update certain references (such as changing "Municipality of Metropolitan Toronto" to "City of Toronto.") It makes no substantive changes. Regulation 361 is intended to prevent the sale or use of high sulphur fuel.

Implications of the Decision:

MOE included a Regulatory Impact Statement which described the purposes of Regulations 338 and 361. This statement noted that neither amendment would change the impact of the regulations, but that O. Reg. 521/99 would "reduce the perceived barriers to voluntary conservation efforts being initiated by industrial and commercial boiler operators, as well as voluntary efforts to reduce pollutants other than sulphur dioxide (e.g., nitrogen oxides using low-

NOx burners)." This means that companies can introduce energy-saving or low-NOx burners without having to shift to low sulphur fuel.

Public Participation and *EBR* Process:
These regulations were placed on the Registry for a comment period of 30 days. Two comments were received in response to this proposal, both from industry associations. One commenter expressed strong agreement with the proposal, noting that the amendments would "encourage environmental improvements and resource conservation by eliminating the uncertainty that was originally associated with boiler upgrades." The other comment supported the amendments to Regulation 361, but the commenter was concerned that the changes to Regulation 338 suggest that the supplier does not have any responsibility for fuel quality, and recommended that the regulation require suppliers to ensure that low sulphur content fuels are provided to users. MOE did not make a specific response to this comment in its Registry decision notice, but noted that it is "committed to reducing sulphur dioxide emissions in Ontario, and will consider measures which include the future reduction of the sulphur content of fuels sold in the province as an option to that end." No changes were made to the proposed regulations.

SEV:
MOE considered its SEV in making the decision, concluding that the proposed amendments clarify and update these regulations and will have no impact on environmental protection or acid sensitive ecosystems. MOE decided that the amendment was consistent with its SEV from a resource conservation perspective because it "will eliminate uncertainty which was hampering voluntary conservation efforts" such as combustion efficiency improvements. MOE's decision to amend O. Reg. 521/99 is consistent with the its SEV goals and the amendment to O. Reg. 522/99 has no impact on the goals of the SEV.

Other Information:
The changes in these regulations were proposed as a result of comments made on a previous related Registry proposal (RA7E0032). A proposal dated January 15, 1998, proposed to retain Regulations 338 and 361 without modification. A number of the amendments in O. Reg. 521/99 and O. Reg. 522/99 arose from recommendations made by groups and individuals who made comments in response to this earlier Registry notice. In July 1996, MOE proposed to repeal Regulation 361 as part of its regulatory reform project.

ECO Comment:
Although the decision notice was not posted until more than a year after the proposal was posted, the ministry did post it soon after the final regulations were filed.

The changes to O. Reg. 521/99 should have a positive impact on the environment by encouraging innovation and voluntary conservation efforts to improve combustion efficiency. The ECO encourages MOE also to consider other initiatives that would require suppliers to ensure that low sulphur content fuels are made available to users of fuel.

Review of Posted Decision: Recognizing and Encouraging Voluntary Action

Decision Information:

Registry Number:	PA8E0033	Comment Period: 60 days
Proposal Notice:	November 11, 1998	Number of Comments: 4
Decision Notice:	August 9, 1999	Policy Implemented: Date not provided

Description:

The Ministry of the Environment has finalized a policy framework entitled Recognizing and Encouraging Voluntary Action (REVA). REVA resulted from a 1994 Memorandum of Understanding (MOU) signed by MOE, the Canadian Chemical Producers' Association (CCPA) and several CCPA member companies. Through this MOU, the signatories agreed that MOE should give greater regulatory flexibility to industrial facilities which voluntarily and consistently exceed basic environmental requirements and meet high standards of environmental performance. For example, in exchange for a company's use of voluntary action, MOE could grant facility-wide certificates of approval (as opposed to a separate certificate for each emission source within a facility) or streamline its review and approval process based on the environmental significance of and technology involved in a particular application. While REVA resulted from MOE's work with the chemical industry, the ministry notes that REVA's policy direction could apply to other industrial sectors as well.

Under REVA, MOE aims to set clear environmental objectives and performance expectations for industry, and provide industry with greater flexibility in meeting those expectations. In return, industry is to establish clear policies to guide the development and implementation of environmental management systems and environmental improvement plans. According to ministry documentation, use of this voluntary approach will help both industry and the government protect the environment in a more cost-effective way than relying on environmental regulation alone. However, MOE notes that the REVA approach does not negate the need for environmental regulation.

The ministry's Environmental Registry notice on REVA also referenced "Performance Plus+," a proposed demonstration program for REVA focused on the establishment of facility pilot projects. Refer to "Other Information" for a summary of this program.

Implications of the Decision:

While MOE and the CCPA assert that REVA's voluntary pollution prevention approach will provide both industry and government with flexible, cost-effective environmental protection, some stakeholders are skeptical about the effectiveness of REVA, citing concerns that:

- environmental protection will not be advanced if policy and legal reforms are driven only by what industry will do voluntarily, as opposed to what is necessary for environmental sustainability;
- government cost-savings may not be realized if REVA principles are applied on a facility by facility basis ("piecemeal approach");

- the public may be excluded from participating if industry-government agreements are reached without public input or outside the certificate of approval process which includes the opportunity for public comments through Environmental Registry notices.

While voluntary pollution prevention agreements can provide greater efficiency and flexibility, they may lack clear and measurable goals, are not enforceable and can reduce government accountability if they are negotiated behind "closed doors." If REVA advances from the concept stage to facility pilot projects, the ministry, the CCPA and its member companies need to apply clear and measurable goals to these projects in consultation with the public, and implement ongoing public/community consultation and reporting. The establishment of clear environmental goals and a public participation culture will help the ministry and participating companies resolve outstanding issues related to REVA's implementation, such as the details of third party audits for industry; public reporting; prerequisites for facility participation; the details of approval streamlining; and the availability of ministry resources for REVA implementation.

Public Participation and *EBR* Process:
The ministry received four comments on the proposal for REVA and Performance Plus+. Two of the comments were supportive of REVA and the Performance Plus+ demonstration program, and made some suggestions for further improvement. The other two comments were critical and unsupportive of the approach.

In its decision notice, the ministry responded to some of the concerns raised in the comments, and listed the wording changes made between the draft and final text of the REVA and Performance Plus+ documents based on some of the suggestions received.

The decision notice provided a good explanation of how comments received resulted in revisions to the REVA and Performance Plus+ documents, however, it failed to include important details such as:

- a clear explanation of policy terms and/or examples to support the general policy concepts;
- details regarding which facility pilot projects, if any, have been selected;
- the time period for facility pilot projects; and
- how and when the ministry plans to monitor and report on implementation of REVA in accordance with the measures of success listed in the notice.

MOE's REVA report notes that benefits from REVA's implementation may include "increased public accountability and trust" for government and "greater public recognition and trust" for industry. Nevertheless, some public involvement issues remain outstanding. The report states that the "nature and extent of public reporting expected by government" and "the public release of audit information" require further clarification and discussion prior to the formal establishment of facility pilot projects.

SEV:
In providing SEV information, MOE noted that the ecosystem approach does not apply to REVA, but did not explain this statement.

Regarding environmental protection, the ministry indicated that the objective of REVA is to encourage industrial facilities to voluntarily reduce their emissions and discharges to the environment beyond required levels, in exchange for administrative benefits from the government that are anticipated to reduce both industry's and the government's operating costs.

Regarding resource conservation, MOE stated that REVA and Performance Plus+ will encourage environmentally sustainable use of water, land, energy and resource use through the application of environmental management systems within companies, and the reduction and recycling of waste. According to the ministry, the 1994 Memorandum of Understanding between MOE and the CCPA has resulted in a reduction of 12,000 tonnes of toxic substances.

Other Information:
The ministry's decision notice also described Performance Plus+, a Program to Recognize and Encourage Voluntary Action. The Performance Plus+ report explains the proposed demonstration phase of REVA, which has four objectives: "continuous environmental improvement; greater public accountability and credibility; enhanced competitiveness of industry; and more efficient and predictable government processes."

Facility pilot projects are the key component of the demonstration phase. Participating facilities must sign a written agreement with MOE for an initial term of three years. As a basic pre-requisite for participating in a Performance Plus+ pilot project, an industrial facility must have:

- signed a ministry-sector agreement on pollution prevention and reduction;
- demonstrated corporate commitment to pollution prevention and continuous environmental improvement;
- demonstrated the facility's commitment to operate beyond regulatory requirements;
- demonstrated a commitment to comply with environmental laws, regulations and policies.

The Performance Plus+ report also outlines various responsibilities for participating facilities and MOE. Industrial facilities will implement environmental planning, an environmental management system, environmental assessment and performance verification, public consultation and reporting, and industry outreach and promotion. Environmental planning activities include the preparation, implementation and maintenance of a three-year Performance Plus+ Environmental Improvement Plan containing specific environmental improvement targets. Industry is to seek community input when developing the Plan.

MOE's responsibilities under Performance Plus+ include ensuring a corporate commitment to the Performance Plus+ concept; setting environmental improvement priorities for industrial sectors based on provincial priorities; implementing "bubble limits" that consolidate the terms of

existing certificates of approval into fewer, more comprehensive certificates; streamlining the approvals process for facility certificates of approval based on the amount of engineering review required; considering alterations to the fee structure for issuing certificates of approval; and assisting facilities with public consultation activities.

Further public consultation will be needed as facility pilot projects are developed and implemented. The Environmental Registry would serve as a useful tool for gathering public input and reporting progress on site-specific Performance Plus+ projects.

ECO Comment:
The ECO's 1997 annual report recommended that "the ministers developing programs to promote environmentally significant agreements should establish a general legal and policy framework for their use, and broadly consult the public on this." The ministry's notice of the REVA policy and Performance Plus+ demonstration program follows this recommendation. The decision notice showed how public comment affected the decision.

However, as indicated in the text above, the decision notice and its supporting documentation were weak in their explanation of the REVA policy and associated concepts. The Registry notice also failed to indicate how and when the ministry will monitor and report on implementation of the REVA policy, based on the measures of success contained in the notice. This lack of clarity could have detracted from the public's ability to understand the policy and its environmental implications.

The ministry should ensure that implementation of REVA does not result in reduced public participation opportunities under the *EBR* or in general. Since implementation of REVA through the Performance Plus+ demonstration program could result in changes to the REVA policy, the ECO reminds the ministry of its obligations to post changes on the Environmental Registry for public comment. In the future, the ministry should provide the public with an opportunity to indicate whether or not they believe REVA's environmental and public accountability objectives have been met.

The ECO urges the ministry and the CCPA to incorporate effective monitoring and reporting mechanisms into Performance Plus+ facility pilot projects and to integrate meaningful public involvement throughout these projects' development, implementation and assessment phases. The Environmental Registry could be used to share publicly the interim results from facility pilot projects and to report conclusions once the pilot projects have been completed and assessed.

Review of Posted Decision: Metal Finishing Industry Pollution Prevention Project (Extension of the Memorandum of Understanding)

Decision Information:

Registry Number: PA8E0032
Proposal Notice: October 21, 1998
Decision Notice: July 8, 1999
Comment Period: 33 days
Number of Comments: 0
Date Policy Implemented: Unspecified

Description:

Companies in the metal finishing sector use various processes to put metal coatings on products like plastics or other metals such as steel. Metal finishing facilities generate both hazardous and non-hazardous waste from their various cleaning, plating and coating processes. Reducing the metal finishing companies' wastes at their source benefits the environment and can reduce company costs.

In May 1999, a group of metal finishing companies, three metal finishing associations, Environment Canada and the Ministry of Environment (these groups form a Task Force) signed an agreement (Memorandum of Understanding or MOU) to continue their work on the Metal Finishing Industry Pollution Prevention Project (MFIP3). This joint industry/government project has operated for eight years, and the Task Force works to increase the voluntary adoption of pollution prevention planning within the metal finishing sector.

The new agreement extends the work of the MFIP3 Task Force until December 31, 2000, and sets out 12 key activities of the Task Force for the extension period that will support pollution planning and prevention activities. Some key activities include:

- continued public reporting on the progress and implementation of pollution prevention plans within the metal finishing sector;
- enhancing the procedures for reporting and verifying progress of facility pollution prevention plans;
- expanding the list of pollutants targeted for reduction;
- increasing the number of companies participating in the project;
- encouraging the industry to participate in government-sponsored pollution prevention programs and other certification programs such as ISO 14000 (environmental management systems).

Implications of the Decision:

From an environmental perspective, MOE indicates that the MFIP3 contributes to the ministry's long-term target for the reduction of toxic substances through voluntary pollution prevention activities. Specific positive environmental results reported in the Task Force's *6th Progress Report*, dated September 1999, include the reduction/elimination of 385 additional tonnes of waste and a total reduction in water use of 30.1 million gallons per year. The expanded list of substances to be addressed by metal finishing companies in their pollution prevention activities should provide even greater opportunities for environmental protection.

From a social perspective, the MFIP3 MOU notes that the Task Force will participate in any multi-sectoral activities geared at communicating and consulting with the public on Pollution Prevention Memoranda of Understanding. While the *6th Progress Report* does not indicate whether any multi-sectoral public consultation opportunities have arisen, the Task Force does communicate its efforts and results through its annual progress reports, an annual industry exhibition, a quarterly newsletter and the sharing of the project's experience internationally.

From an economic perspective, the *6th Progress Report* presents the financial gains experienced by each of the companies participating in the MFIP3. The *6th Progress Report* notes that companies participating in the project have saved $628,350 to date. Case studies listed in the report show that greater cost savings are anticipated in the future.

The ECO 1997 annual report's coverage of voluntary pollution prevention agreements noted that it is important for voluntary agreements to include effective monitoring and reporting mechanisms so that the public can verify the results. The MOU Addendum notes that the Task Force will "enhance the procedures for reporting and verifying progress of facility pollution prevention plans" and that company members must "communicate their progress on implementing pollution prevention plans and emissions inventories on a biannual basis at Task Force meetings". However, neither the Registry posting or the *6th Progress Report* discuss how MFIP3 results are monitored or verified by the ministry. Including such a discussion would increase confidence in the reported environmental, social and economic benefits of the MFIP3.

Public Participation and *EBR* Process:
In its 1997 annual report, the ECO examined voluntary pollution prevention agreements and encouraged the ministry to post on the Environmental Registry renewals to several existing Memoranda of Understanding. The ministry's posting of the metal finishing MOU is in keeping with this recommendation.

The ministry received no comments on its *EBR* posting for a proposed extension of the MOU. Concurrently, Environment Canada also posted the proposal on its Green Lane web site. No comments were received through that mechanism.

The Registry posting does not indicate clearly when the MOU Extension/Addendum came into effect, detracting from clarity and traceability for the public. While a signed copy of the MOU Extension received by the ECO does not contain an "effective" date, Task Force members signed the Addendum between March 1999 and June 1999.

SEV:
MOE described how this decision is consistent with three principles in its SEV: ecosystem approach, environmental protection, and resource conservation. MOE noted that the ecosystem approach does not apply to this project but did not explain this statement. MOE indicated that the MFIP3 contributes to environmental protection by preventing and minimizing the creation of pollutants and to resource conservation through the pollution prevention planning approach that

encourages environmentally sustainable uses of water, land, energy and material resources. The pollution prevention approach adopted by the metal finishing sector fits within the purpose of the *Environmental Bill of Rights* to prevent, reduce and eliminate the use, generation and release of pollutants.

Other Information:

The Task Force's *6th Progress Report* describes the progress made by the participating metal finishing companies over the past year. In summary, participating companies continue to reduce water use and waste, realize cost savings and participate in employee training for pollution prevention. The *6th Progress Report* also notes that five new companies are participating in the MFIP3, meeting the Task Force's goal for increased membership in 1999.

MFIP3 is part of MOE's Pollution Prevention Strategy. The *6th Progress Report* indicates that 13 metal finishing facilities have voluntarily reported their results to Ontario's Pollution Prevention Pledge Program (P4), another component of that strategy. P4 is an incentive and recognition program in which companies/organizations seek recognition at one of four progressive levels: registration and planning, reduction commitment pledge, reduction achievement, and pollution prevention achievement. MOE reports that pollution prevention reductions reported by the 163 facilities participating in the P4 Program have totalled more than 50,000 tonnes per year.

ECO Comment:

The range of MFIP3 activities covered by the MOU extension, such as the expanded number of substances to be addressed in pollution prevention activities, the increased number of participating companies, and employee training programs should result in further gains for environmental protection. However, including a discussion in the Registry posting or *6th Progress Report* about ministry monitoring and/or verification of MFIP3 results would have increased confidence in the reported benefits of the project. To ensure a clear and traceable public process, the decision posting should have noted the date when the MOU was extended and officially came into effect.

Review of Posted Decision: Amendments to the Classification and Exemption of Spills, Regulation 360 (Part V) made under the *EPA* (O. Reg. 675/98)

Decision Information:

Registry No:	RA8E0017	Comment Period: 63 days	
Decision Notice:	August 11, 1999	Number of Comments: 11	
Proposal Notice:	April 3, 1998	Regulation Filed: December 17, 1998.	

Description:

O. Reg. 675/98 (Classification and Exemption of Spills) amends Regulation 360 (Spills), made under the *Environmental Protection Act* (*EPA*), by revoking Part V of the regulation and replacing it with provisions which organize and clarify spill reporting requirements, and broaden the existing exemptions to all of Part X, or only section 92 of the *EPA*.

The stated purpose of the new regulation is to avoid trivial spills being reported so that more serious spills can be given priority by MOE, as long as the discharger complies with clean-up requirements and documents the spill. Another purpose is to give dischargers an incentive to develop a contingency plan so as to be better prepared for and responsive to spills and to identify spill prevention opportunities.

Part X of the *EPA* deals with reporting spills, responding to spills and liability for spills. A spill is defined as a discharge into the natural environment, out of a structure, vehicle or other container, that is abnormal in quality or quantity in light of the circumstances of the discharge. Part X states that where a spill causes or is likely to cause adverse effects, it must be reported to MOE and the local municipality, and those who owned and controlled the substance spilled must do everything practical to clean up the spill and restore the natural environment. Anyone who suffers loss or damage from a spill must be compensated. Failure to fulfill obligations under Part X is an offence.

Section 92 of the *EPA* specifically provides for the reporting requirements in relation to spills. A spill must be reported by anyone who spilled, caused or permitted a spill that causes or is likely to cause an adverse effect, as soon as that person knows or ought to know that the pollutant has spilled. A spill must be reported to MOE, the municipality in which the pollutant is spilled, and the owner or the person with control of the pollutant, if that person was not involved in the spill.

O. Reg. 675/98 includes 11 classes of spills, described below, that are exempted from some or all of section 92 or all of Part X. Additional background on the exemptions is provided in the italicized text that follows each brief description.

<u>Exempt from Part X of the *EPA*:</u>

Class 1 spill: Discharge authorized by a certificate of approval or other instrument. *This exemption was in Part V of Regulation 360, but broader, simpler language*

is used in the new regulation.

Class II spill: Discharge of water from reservoirs formed by dams where caused by natural events, or discharge of potable water from municipal water mains. *The new regulation adds the exemption for potable water from municipal water mains.*

Class III spill: Discharge of pollutants from residential fires of ten or fewer households. *This exemption was in Part V of Regulation 360.*

Exempt from Section 92 (or subsections of it):

Class IV spill: Discharge that results from a planned maintenance procedure or is planned for research or training purposes. Must have Director's consent, and monitor and report on adverse effects. *The new regulation adds time lines for notifying and obtaining consent from the Director, clarifies that the Director can add conditions, and defines a planned spill.*

Class V spill: Spill of refrigerant, if no adverse effects. *This is a new exemption.*

Class VI spill: Spill of up to 100 litres of fluid from a motor vehicle's fuel system or other operating system. Must not enter any waters or cause adverse effects except those readily remediated and remediation must be carried out immediately. *The new regulation broadens the exemption to include non-liquid fuels and eliminates the requirement of notification under the Highway Traffic Act. It also adds the requirements regarding remediation in accordance with the other exemptions.*

Class VII spill: Spill of up to 100 litres of mineral oil, except for PCB liquids, from electrical transformers or capacitors owned by a provincial or municipal utility. Must not enter any waters or cause adverse effects except those readily remediated and remediation must be carried out immediately. *This is a new exemption.*

Class VIII spill: Spill of a fluid petroleum product at a bulk plant, marina or private or retail outlet of up to 100 litres in areas restricted from public access, or up to 25 litres in areas with public access. Must not enter any waters or cause adverse effects except those readily remediated and remediation must be carried out immediately. *This is a new exemption.*

Class IX spill: Spill of material designated as dangerous goods where the quantity discharged is less than the minimum reportable quantity under federal dangerous goods legislation. Must not enter any waters or cause adverse effects except those readily remediated and remediation must be carried out immediately. *This is a new exemption.*

Class X spill: Spill described in a spill contingency plan as "not reportable," if the plan adheres to appropriate standards and has been provided to the Director on request. Plan must be in effect and spill must meet requirements of plan. Remediation must be carried out immediately. *This is a new exemption.*

Class XI spill: Spill reportable to a provincial or federal agency, where a memorandum of understanding between MOE and the other agency resolves duplicate reporting of spills. *This is a new exemption.*

The new regulation also provides that detailed records be kept of every Class V, VII, VIII, IX, X and XI spill for two years, and that these records be available for inspection by a provincial officer on request.

Implications of the Decision:
MOE assessed the impact of this decision and reported its conclusions in a Regulatory Impact Statement included in the Registry notice. In this statement, MOE stated that "environmental protection should be enhanced through increased spill preparedness and prevention that the exemption based upon contingency planning promotes." In relation to positive social and economic impacts, MOE noted that "enhanced contingency planning communicates that corporate responsibility and public safety are moving in a positive direction," and that there would be cost savings where spills and adverse effects are prevented or minimized.

Public Participation and *EBR* Process:
This regulation was placed initially on the Environmental Registry for a public comment period of 45 days. The comment period was later extended to 63 days. The decision notice was not posted on the Registry until August 11, 1999, even though the final regulation had been filed on December 17, 1998. The Registry proposal notice included Internet links to the draft proposal and supporting documentation, and the decision notice included links to the final version of the regulation and a thorough chart summarizing the comments received and giving detailed ministry responses to the issues raised by individual comments.

MOE received 11 comments in response to this proposal on the Registry. All of these comments came from industry stakeholders and all were generally in support of the regulation, although there were many detailed suggestions for clarifying or improving the provisions. In general, the changes made to the proposal as a result of the comments were fairly minor clarifications. Other changes included modified wording for Class V (refrigerant) spills exempting them from section 92 of the *EPA* if no adverse effect takes place at the location of the discharge, and an additional condition for exemption of Class X (contingency plan) spills requiring that the spill was not deliberate on the part of the owner or person in control.

SEV:
MOE states that these changes are consistent with its SEV goal of environmental protection because they make "explicit the requirement to clean up even trivial spills," and because contingency planning "will produce better spill response and identify spill prevention opportunities." This is consistent with MOE's SEV commitment to prevent the release of pollutants to the environment as well as the commitment that "action will be taken to ensure that those responsible for the harm remediate it."

MOE also notes that the ecosystem approach is promoted because records must be kept that provincial officers may inspect on request, and this will allow MOE to identify cumulative

effects that require abatement. In relation to resource conservation, MOE states that "regulatory effort will be conserved and available for application to more significant environmental priorities." However, MOE's SEV refers to the conservation of natural resources, such as energy and water, and not to the conservation of "regulatory" resources.

Other Information:
The original proposal to reform Regulation 360 was part of the Responsive Environmental Protection initiative, loaded on the Environmental Registry on July 15, 1997, as RA6E0009.

ECO Comment:
MOE provided an excellent chart summarizing and responding to comments on this proposal as an Internet link to its Registry notice. Other Internet links to the proposed regulation, supporting documents and the final regulation were also helpful.

MOE posted this decision in August 1999, well after the regulation was filed on December 17, 1998. MOE should endeavor to post decision notices soon after decisions are made in order to inform the public of the current status of the law.

The ECO noted in the 1997 annual report that a good understanding of spills occurrence trends can be used to target problematic areas and focus prevention programs. A reduction in the reporting of spills may compromise MOE's ability to monitor the total volume of spills, to understand and model cumulative impacts and to identify chronic sources of small spills. This may have a negative impact on pollution prevention work by MOE and by industry. Also, while MOE is setting quantity limits for exempting spills within specific industries, some observers note that the type of contaminant and the circumstances of a spill must also be considered.

Review of Posted Decision: Revisions to the Refrigerants Regulation (O. Reg. 635/99 amending O. Reg. 189/94)

Decision Information:
Registry No: RA9E0012
Proposal Notice: November 25, 1999
Decision Notice: December 30, 1999

Comment Period: 30 days
Number of Comments: 3
Regulation Filed: December 30, 1999

Description:
In 1994, MOE passed O. Reg. 189/94 (Refrigerants) under the *Environmental Protection Act* (*EPA*) to regulate the use of refrigerants. The objective of this regulation is to stop the release of refrigerants into the environment because they are ozone depleting substances (ODS), which deplete the stratospheric ozone shield that surrounds the earth and screens out ultraviolet light. It was related to Canada's commitment, made in 1986 under the *Montreal Protocol on Substances that Deplete the Ozone Layer*, to phase out chloroflourocarbon (CFC) production by the end of 1995. CFCs also are a powerful greenhouse gas and contribute to global warming. The phase-out of CFC production requires that industry convert to alternative, non-CFC refrigerant technology. O. Reg. 189/94 was developed at the request of industry to give owners of equipment that uses refrigerants additional time to convert their equipment to non-CFC technology by ensuring that existing CFCs are captured and recycled. There is currently no phase-out date for the use of these refrigerants in Ontario. Currently, suitable alternatives to ODS are available and legal for use as refrigerants in Ontario.

The sections of O. Reg. 189/94 that are relevant to this decision ensure that only properly certified individuals will be permitted to service equipment where there is a potential for the discharge of refrigerants. Subsection 21(1) of O. Reg. 189/94 requires a person to complete an approved training course before being certified to use and handle ODS. A person who successfully completes an awareness training course receives an Ozone Depletion Prevention (ODP) card. An ODP card allows its holder to purchase and handle refrigerants. Subsection 21(4) of O. Reg. 189/94 provides that all ODP cards expire on December 31, 1999. Subsection 21(6) of O. Reg. 189/94 prohibits the Director, as of January 1, 2000, from issuing or renewing certificates for fuel and electrical systems mechanics, motor vehicle mechanics, refrigeration and air conditioning mechanics and truck-trailer repairers unless they are apprenticing or qualified in their trade, or hold a certificate of qualification. Subsection 21(7) adds that, as of January 1, 2000, a person holding a certificate of qualification under subsection 21(6) is certified to perform work under this regulation.

O. Reg. 635/99 amends O. Reg. 189/94 to extend the expiry date for ODP cards by one year to December 31, 2000. MOE states in the Registry posting that the amendment is required to allow current ODP card holders to continue purchasing ODS and to give MOE enough time to deal with issues related to the use of the cards (this expiry date had previously been extended from December 31, 1997, to December 31, 1999). Without an extension of the deadline, all ODP cards would cease to be valid as of December 31, 1999. O. Reg. 635/99 also revokes

subsections 21(6) and (7) without explaining why these provisions are being eliminated altogether and not amended to change the date to January 1, 2001.

Implications of the Decision:
MOE included a Regulatory Impact Statement in the Environmental Registry posting stating that the proposed amendments would "allow current holders of ODP cards to continue to purchase ODS and to allow cards to be issued to people who complete the appropriate environmental training in handling ODS." However, this appears to be another description of the decision rather than an explanation of regulatory impact as it does not explore any possible negative impacts on the environment where people who purchase and use ODS have not received adequate training. Comments received by MOE suggest that there are environmental impacts related to the release of refrigerants in the atmosphere as a result of individuals who handle ODS without sufficient training.

In the Registry posting, MOE does not discuss its reasons for revoking the eventual prohibition on issuing or renewing certificates for fuel and electrical systems mechanics, motor vehicle mechanics, refrigeration and air conditioning mechanics and truck-trailer repairers unless they are apprenticing or qualified in their trade, or hold a certificate of qualification. There may be negative impacts on the environment if classes of people, who were to have been prohibited from using ODS after a given date because they are not qualified, are instead permitted to continue to use ODS. It is unclear why the provisions in subsections 21(6) and (7) are being eliminated and not extended by one year as with subsection 21(4).

Some of the comments received suggest that there are those within the industry who are trying to avoid the expense of receiving proper training in using refrigerants and are gaining an advantage over others who take on the extra cost out of environmental commitment. By extending the window for non-certified technicians and mechanics once again, these amendments appear to assist those who have not received adequate training. One commenter questioned how MOE can eliminate subsection 21(6) when the Ministry of Training, Colleges and Universities is responsible for training.

Public Participation and *EBR* Process:
This proposal was posted on the Environmental Registry for a period of 30 days. The Registry posting included a link to a web site with information on ozone depleting substances, and phone numbers for an information telephone line.

Three comments were received. The decision notice reported that the comments raised concerns about extending the expiry date of the ODP cards, while supporting the provision that only those who hold certificates of qualification may purchase refrigerants. MOE made no specific response to the concerns in its Registry posting, but noted that it would consider them in developing its long-term plan. Two commenters opposed the extension of the expiry date, expressing concern that many individuals have not yet received adequate training in using refrigerants through apprenticeship. One of the commenters added that non-certified mechanics

and technicians had been given ample opportunity to comply with the training requirement. Another noted that the release of refrigerants into the atmosphere had increased.

SEV:
MOE considered its SEV in making the decision. With respect to environmental protection, MOE concluded that these regulatory changes would "ensure that people working with ODS minimize releases to the environment" through continued education and regulation of handlers of ODS. In considering the ecosystem approach, MOE determined that if this amendment is not made, it might lead to the illegal purchase and unregulated use of ODS refrigerants in Ontario which could affect the environment with the increased potential to release ODS into the environment. MOE also considered the fact that, without the amendment, the certification program would no longer exist, preventing many people from purchasing refrigerants and leading to unemployment. The ECO finds that MOE's justifications in relation to its SEV are very weak.

It is not clear whether or not MOE considered its SEV in deciding to revoke subsections 21(6) and (7). No explanation of the revocation of the subsections is offered in the Registry posting or MOE's SEV information.

Other information:
The Registry posting indicates that MOE is proposing to make further changes to this regulation during 2000, which will include a new posting on the Registry.

ECO Comment:
There were a number of problems with this decision. The Registry posting should have included an explanation of the rationale for eliminating the requirements in subsections 21(6) and (7). The Regulatory Impact Statement included in the Registry posting should have contained appropriate information as set out in subsection 27(5) of the *EBR*. MOE should have addressed the comments received on this proposal in the decision notice. As noted above, the SEV consideration was poorly done.

The ECO is concerned that these provisions could become permanent exceptions from adequate training requirements and have serious consequences for the environment. If MOE intends to make further changes to the refrigerants regulation, it should ensure that the proposal is posted on the Registry well before December 31, 2000, to provide residents with an adequate opportunity to comment on the proposal and for MOE to consider this input meaningfully.

The web site link provided in the Registry posting contained helpful background information.

Review of Posted Decision: Revisions to Solvents Regulation (O. Reg. 717/94) made under the *Environmental Protection Act* - O. Reg. 636/99

Decision Information:

Registry No: RA9E0014
Proposal Notice: November 25, 1999
Decision Notice: December 30, 1999

Comment Period: 30 days
Regulation Filed: December 30, 1999.

Description:

This regulation (O. Reg. 636/99) revises the phase-out date for the use of solvents that contain hydrochlorofluorocarbon (HCFC), a substance that depletes the stratospheric ozone shield which surrounds the earth and screens out ultraviolet light. HCFCs also contribute to global warming because they are a greenhouse gas. O. Reg. 717/94, a regulation passed in 1994 under the *EPA* to phase out the use of HCFCs, provides in subsections 3(9) and (10) that, after January 1, 2000, no one can make, use, transfer or discharge into the natural environment a solvent that contains an HCFC. O. Reg. 636/99 extends this date to January 1, 2001. The stated purpose of this decision is to allow companies which use these solvents to have additional time to develop alternatives before HCFCs are banned. Other relevant provisions in the regulation are amended to accord with the one-year extension.

Implications of the Decision:

MOE included a Regulatory Impact Statement in the Environmental Registry posting which stated that the proposed amendments to O. Reg. 717/94 would allow companies that currently use HCFC-based solvents to continue using them for one year while they develop suitable alternatives. It also noted that the ministry would consider whether the regulation should be amended to govern specific applications.

MOE also stated in the posting that it will use the one-year blanket extension to identify and assess claims from companies and industries that require further exemptions. MOE is considering "a more precise, restrictive regulation that could provide exemptions for certain applications until such time as non-ozone depleting, non-global warming alternatives become available." This suggests that MOE may amend this regulation further to allow for exemptions for certain industries that have not found an alternative to HCFC-based solvents. This could extend indefinitely the deadline for the complete elimination of ozone depleting HCFCs in Ontario.

Public Participation and *EBR* Process:

This proposal was posted on the Environmental Registry for a period of 30 days. The Registry posting included a link to a web site with information on ozone depleting substances and phone numbers for an information telephone line.

Six comments were received. The decision notice reported that all of these comments were supportive of the proposed amendments. However, one of these comments was actually critical

of this proposal and urged MOE to protect the environment by not revising the current regulations, stating that alternative solvents are available on the market, and that delaying "the implementation of the total HCFC restriction by one year is unfairly penalizing the suppliers of alternative technologies and those companies that have already invested in making a switch to alternatives based on the current regulations." MOE did not acknowledge or respond to this comment in its decision notice.

The other comments did support the proposed amendments. Some of these commenters referred to the difficulties that their businesses had experienced trying to find or develop alternative solvents to those containing HCFCs. Two commenters recommended that the government continue to allow limited use of a form of HCFC (HCFC-225) which has little impact on ozone.

SEV:
MOE considered its SEV in making the decision. MOE concluded that this decision will not have a significant impact on the environment because the use of HCFC-based solvents will remain minimal. MOE determined that HCFC-based solvent use is a small fraction of HCFC use (1-2%) and that HCFCs have less ozone depleting potential than chlorofluorocarbons (less than 10%), so that their continued use for one year will have little environmental effect. An important consideration for MOE seems to have been that HCFC solvents are still permitted by the federal government and in U.S. jurisdictions, and that this "will cause significant disadvantages to Ontario-based companies that are forced to compete with similar manufacturers outside Ontario. The end result may be the closure or relocation of these companies at considerable economic (both financial and job losses) cost."

Other Information:
On October 13, 1999, MOE held an industry consultation session with selected stakeholders on the issue of whether or not there is a lack of suitable alternatives to HCFCs in certain industries. Following the consultation, MOE concluded that there were a small number of critical uses of HCFC-based solvents for which no alternative exists.

ECO Comment:
MOE should have acknowledged and responded to the negative comment that it received. If MOE decides to amend this regulation to exempt certain industries from the ban on HCFC-based solvents, this should be posted on the Registry with a comment period longer than 30 days.

The web site link provided in the Registry posting contained helpful background information.

Review of Posted Decision: Interim Measures to Streamline Provincial Pesticide Classification (O. Reg. 110/99, amending Regulation 914 under the *Pesticides Act*)

Decision Information:

Registry Number: RA8E0024
Proposal Notice: July 7, 1998
Decision Notice: August 8, 1999
Comment Period: 30 days
Number of Comments: 0
Regulation Filed: March 12, 1999

Description:

Under the *Pesticides Act*, the Ministry of the Environment (MOE) is responsible for regulating the sale, use, storage, display, transportation and disposal of pesticides once they have been approved for use in Canada by the federal government. MOE regulates pesticides by classifying them into one of six categories based upon their toxicity, the hazard they pose to the environment, environmental persistence, and how they will be used. Different rules apply to the use of pesticides depending upon which category they fall into.

This regulation makes changes to the manner in which pesticides are classified in Ontario. Previously, the Ontario Pesticides Advisory Committee (OPAC), made up of representatives from academia, agriculture, industry, municipalities, and five provincial ministries, reviewed all applications for classification of pesticides. The Committee would make a recommendation to the minister, who would then make a final decision. Each decision to classify pesticides was published in the *Ontario Gazette*. Under this regulation, OPAC now has sole authority to approve pesticide classifications. Furthermore, classifications are now listed in a database available from OPAC and accessible via the Internet. Each decision will no longer be published in the *Ontario Gazette*.

This regulation is an interim measure until a harmonized national pesticide classification system is implemented. Representatives from provincial and federal governments, industry and the Canadian Federation of Agriculture are currently meeting to develop the new system.

Implications of the Decision:

The use of pesticides may potentially result in significant environmental impacts. However, while this regulation makes important changes to the manner in which pesticides are classified in Ontario, MOE states that the new approval process will not compromise health or environmental protection because OPAC has been responsible for reviewing applications and recommending appropriate classifications since 1974 and will continue to use the same criteria. MOE notes that the minister has implemented every OPAC recommendation over the course of the last 26 years.

MOE states that these changes will improve the efficiency of Ontario's pesticide classification system and reduce the amount of time needed to approve and inform users and handlers of the availability of new products without relinquishing measures to protect the environment.

Public Participation and *EBR* Process:
There were no comments on this proposal.

Decisions regarding the classification of pesticides were previously posted on the Environmental Registry only if they involved a product that contained a new active ingredient. MOE has indicated that decisions regarding products that contain new active ingredients will continue to be posted on the Environmental Registry as before. Furthermore, the regulation now specifically requires OPAC to maintain a "Compendium of Scheduled Pesticides" listing all classified products and pertinent information. The compendium must be available for public inspection and be accessible through the OPAC web site.

SEV:
MOE states that this regulation will reduce the time frame for provincial approval of pesticide classification by over 50 per cent, providing faster access to growers and other users to new pesticides. These changes are administrative improvements (consistent with Part V of its SEV) without relinquishing existing tough environmental standards on pesticide classification (consistent with MOE's commitment to environmental protection and ecosystem approach).

MOE does not specifically explain how this decision is consistent with its commitment to public participation. However, decisions regarding pesticides with new active ingredients will continue to be placed on the Environmental Registry for public comment. Furthermore, information about other pesticides will be available through the OPAC web site.

ECO Comment:
The specific requirement that the Compendium of Scheduled Pesticides be made available to the public, either in print form or through OPAC's web site, is a positive development that will ensure that the public is able to keep informed about pesticide products.

In addition to the changes contained in this regulation, MOE published a policy document, "Ontario Guidelines for Classification of Pesticides Products," in April 1999. This document sets out explicit criteria for classifying pesticides. MOE did not post this policy document on the Environmental Registry for public comment, as the ECO believes it should have been.

MOE posted this decision in August 1999, well after the regulation was filed on March 12, 1999. MOE should endeavor to post decision notices soon after decisions are made in order to inform the public of the current status of the law.

Review of Posted Decision: Setting Environmental Quality Standards in Ontario: The Ministry of the Environment's Standards Plan

Decision Information:

Registry Number:	PA9E0004	Comment Period: 60 days	
Proposal Notice:	November 5, 1999	Number of Comments: 2	
Decision Notice:	February 21, 2000	Policy Implemented: ongoing	

Description:

This decision revises the ministry's priorities for developing or updating a variety of air, water, soil, tissue, sludge, compost and sediment standards. However, the ministry notes that the decision notice focuses heavily on setting standards for air: it refines the process used for setting standards for airborne contaminants, reviews current air standards to see whether they are consistent with standards in other jurisdictions, and recommends that 75 air standards be confirmed at their current values.

This decision is an update to the Proposed Three Year Plan for Standard Setting that MOE originally posted in the fall of 1996. In that proposal, MOE laid out a list of prioritized standards for air, water and other media that the ministry planned to develop within the next year, and also within the next three years. The ministry proposal indicated that staff faced a major challenge to deliver an increased number of scientifically sound environmental standards in a cost-effective manner. To address this challenge, the ministry proposed to actively adopt standards from other jurisdictions and to encourage joint development of standards with other regulatory agencies.

Ministry staff told the ECO they received negative feedback from stakeholders on their 1996 proposal and the prioritized list of standards, causing them to rethink their approach. MOE worked internally for several years on revising the approach, but did not publish annual updates as promised. However, MOE continued during the next two years to state in news releases, minister's letters and business plans that it had an aggressive three-year plan to upgrade and strengthen Ontario's environmental standards for more than 200 chemical pollutants. This led the ECO to urge the ministry (in the 1998 annual report) to post an updated plan. Through the November 1999 proposal posting, MOE did carry out this recommendation. The ECO also recommended that MOE post a decision on the outstanding1996 proposal, including a summary of public comments received, the ministry's next steps and a cross reference to the updated plan. MOE also carried out this recommendation, which helps the public understand how the policy changed over time.

MOE's new Standards Plan is still based on adoption of standards from other jurisdictions, but there are a number of differences between the 1996 plan and the 1999 plan. For example, the new plan involves some changes to the public consultation process, the priorities on some contaminants have shifted, and the plan sets fewer targets and timelines for completion of standards, especially air standards.

Changes to public consultation

MOE says that the standard setting process has been modified to allow for formal consultation and input throughout the process. MOE intends to consult during each of the three main stages of standard setting, including priority setting, risk assessment and risk management. For each substance, the first formal consultation step is now an information posting on the Registry, inviting public comment. The information posting includes risk assessment and risk management information that the ministry considers relevant to that substance.

The Standard Setting Plan itself does not elaborate further on the ministry's expectations for staging or timing or format of public consultation. But based on a package of proposals for 18 new air standards posted on the Registry in February 2000, it appears that the ministry will apply the following six steps in developing each new air standard:

- an information notice on the Registry, with extensive technical information and a 90-day public comment period;
- an internal ministry review of comments received;
- a proposal notice on the Registry, again with extensive technical information and a 90-day public comment period;
- a preliminary, internal risk management analysis, based on comments;
- if there are "compelling implementation issues", the ministry will begin more detailed "risk management discussions with affected stakeholders";
- if there are no "significant implementation issues", the ministry will finalize proposed standards.

It is not clear whether these public consultation steps will also be employed when the ministry develops proposed new standards for other media such as drinking water or surface water.

Fewer targets and timelines

The updated Standard Setting Plan sets fewer targets and timelines, especially for air standards. In contrast, the 1996 Three Year Plan for Standards Setting had a number of clear timelines and targets, although the ECO review shows that the ministry fell considerably short of those targets, as indicated by the following chart.

MOE's targets for new standards in the Three Year Plan for Standard Setting, proposed 1996	Progress described by MOE November 1999
73 for air (17 of these to be completed in 1996/97)	- 9 have completed risk assessments -18 have published information drafts - 40 in progress -MOE also proposed that another 75 of its air standards be reaffirmed at their present values; MOE confirmed this in January 2000.
37 for drinking water (6 to be completed in 1996/97)	-3 standards set in 1998 -1 reviewed and reaffirmed -9 are under review
29 for surface water (8 to be completed in 1996/97)	-6 new or revised standards in 1998 -2 proposed -17 in progress
5 for sediment	-unspecified number under development with federal and other provincial governments
11 for composting	-no progress indicated
121 for soil placement	-no progress indicated
6 for tissue	-unspecified number under development with federal and other provincial governments

MOE's new Standard Setting Plan lists 70 high priority substances needing new air standards, and categorizes them according to their stages of development, but the ministry appears to have no timelines for finalizing any of these air standards. For drinking water, MOE lists 15 standards that are being developed by a national process with MOE as a participant, and notes that these standards are expected to be completed within one or two years. For surface water quality, MOE lists 14 standards that are expected to be completed within one or two years, mainly by participating in the national Canadian water quality guideline task group. Tissue residue guidelines are also developed within a national process, and MOE lists five that are expected to be completed within one or two years. MOE also expects to complete a sediment quality guideline for dioxins/furans within the next year or two.

Certain information is missing in the new Standard Setting Plan that would have provided important context for the public. MOE's 1999 Standard Setting Plan does not mention the unmet targets the ministry set for itself in 1996, and does not explain why progress has been considerably slower than expected. MOE should also have explained why there are no timelines for finalizing new air standards. MOE has also not explained why certain air

standards (such as arsenic, cadmium, chromium VI and nickel) are still in development, even though they were considered high priority and originally scheduled for completion in 1996/1997.

Implications of the Decision:
With this decision, MOE establishes a general framework for setting air quality guidelines and standards, as well as standards, guidelines and objectives for water, soil and other media. The ministry has also established which contaminants will receive priority attention for standard setting, and has explained which standards are being developed through joint efforts with the federal government and other provinces. As well, the ministry provides estimated timelines for the finalizing of some standards.

Public Participation and *EBR* Process:
MOE provided 60-day comment periods on both the 1996 and 1999 versions of the standard setting plan, allowing the public adequate time to review the background documents and submit comments. MOE's 1999 posting also included a hypertext link to the background documents, making it easier for the public to provide informed comment. MOE is also providing 90-day comment periods on the related information drafts and proposals for individual air standards, which is appropriate, given the extensive and technical nature of the ministry's background information.

The risk management process mentioned in "Setting Environmental Quality Standards in Ontario" is clearly a very important stage of the ministry's standard setting process. This is the stage when the ministry integrates information about the potential for adverse effects with other information about technical and economic feasibility. In other words, this is the stage where the ministry decides whether to adjust proposed new standards because emitting facilities warn that they will have trouble meeting them. The ministry states that "public consultation is a key part of the risk management process." But it is unclear what form this public consultation will take. While the ministry has outlined what types of information it would like to receive from emitting facilities, MOE has not said how it will evaluate or verify that evidence, or what criteria will determine whether there are "compelling implementation issues" triggering further discussions. It is also not clear whether other stakeholders will be able to access or comment on the information, or indeed whether other stakeholders will be given a role in the risk management discussions. There have been a number of Canadian multi-stakeholder standard setting processes that MOE could investigate as possible role models, including the MISA Issues Resolution Process, the CCME NO_X/VOC Management Plan, or the work of the ACES advisory committee.

There is also a potential transparency concern about the use of information notices with comment periods for specific air standards, prior to the proposal stage. While the ministry will receive public comments on the information drafts and will probably act on some of the comments, there is no *EBR* requirement that the ministry summarize those public comments or explain how those comments affected the subsequent proposal. As a consequence the public will not be aware of the rationale for changes in proposed air standards, and will be less able to provide informed comment.

Public Comments on the Registry Posting

There were two comments through the *EBR* on the 1999 proposal for Setting Environmental Quality Standards in Ontario, both largely supportive of the ministry's approach. MOE fairly summarized and responded to the issues raised by the commenters. For example, one commenter believed that the term "standard" was too broadly defined and asked that the plan clarify which substances would be regulated. The ministry responded that it would continue to use the term "standard" for ease of discussion, and that decisions on how to treat substances would be made case-by-case with public comment. In response to a comment, the ministry also modified wording in the plan to clarify that Provincial Sediment Quality Guidelines use contaminant levels to trigger biological impact studies.

Other Public Participation Opportunities

Although MOE did not mention them in the decision notice, the ministry has organized a number of face-to-face public consultation events since 1996, including information sessions in early 1997, a public workshop in September 1998, and numerous meetings with various stakeholders to discuss the standard-setting process.

MOE promises in the decision notice that there will be further opportunity for public comment through the *EBR* Registry on new point of impingement models (POI). MOE also promises that there will be full discussion with stakeholders on the impacts and implementation time frame of new POI models. As well, MOE promises in the background document that the ministry will coordinate any consultation efforts undertaken nationally with *EBR* consultation in Ontario.

SEV:
MOE did provide a SEV consideration, in which it described how standard setting protects the environment, and noted that the ministry exercises a precautionary approach in its decision-making. MOE also noted that the standards define acceptable or desirable environmental quality to safeguard human health and the ecosystem. Finally, MOE noted that it takes into account economic and technical considerations either in the development of standards or in their site-specific application.

MOE's Standard Setting Plan specifically refers to the ministry's SEV. The document says that in keeping with the SEV, standards are:

- based on the best scientific information available;
- are set to protect the most sensitive receptors;
- incorporate socio-economic considerations where appropriate.

Other Information:
In November 1999, MOE posted a decision on its 1996 proposed Standards Plan, which explained that, based on "comments received and other communications from interested parties," the ministry was now taking a different approach. The decision cross-referenced the new

proposal for Setting Environmental Quality Standards in Ontario. The ministry noted that the 1996 Proposed Three Year Plan for Standard Setting (PA6E0014) had received six *EBR* comments, and briefly summarized those comments.

ECO Comment:

MOE has laid out a general framework for standard setting for air, water, soil and other media, and has also committed to updating many of its standards. Standard setting is a complex undertaking which has to take into account both scientific and socio-economic factors. The ministry appears to recognize the need to involve stakeholders in this decision-making, and has taken a number of steps to share information. Through convenient hypertext links, MOE has provided a large amount of valuable background information on its 1999 policy for Setting Environmental Quality Standards in Ontario. The ministry has also carried a number of other public consultation activities since 1996, including a public workshop and meetings with individual stakeholders. However, the ministry did not provide certain contextual information explaining the direction of and underlying reasons for policy changes on standard setting. Specifically, the public would have benefitted from information about the unmet targets the ministry set for itself in 1996, and an explanation of why progress has been considerably slower than expected. MOE should also have explained why there are no timelines for finalizing new air standards. MOE has also not explained why certain air standards (such as arsenic, cadmium, chromium VI and nickel) are still in development, even though they were considered high priority and originally scheduled for completion in 1996/1997.

MOE should re-evaluate how it uses the *EBR* Registry to consult on individual air standards. The ministry currently uses an information posting followed by a proposal posting. The ministry provides generous 90-day comment periods at both stages, but information postings provide no mechanisms to explain what comments were received or how the ministry considered those comments. The ministry's current practice is simply to note on the subsequent proposal notices that "the Ministry received a number of comments." To improve transparency, the public should be able to see what comments influenced the ministry to adjust the level of a proposed air standard and what comments had no influence. This transparency could be achieved by beginning with a proposal posting, followed by a decision posting that describes the comments received and their effects. The decision posting could be cross-referenced to a new proposal, reflecting the ministry's latest thinking on the issue. Such an approach would be in keeping with the ECO's 1996 Guidance Document, "Implementing the Environmental Bill of Rights: Environmental Registry Notice and Comment Procedures."

MOE should provide more detail on how the risk management process will work for air standards, and specifically how the public will be involved in that process. This information should be posted on the Registry for public comment.

Similarly, MOE should provide more detail on what steps will be employed to consult on proposed new standards for other media such as drinking water or surface water.

2. Ministry of Natural Resources Decisions

Review of Posted Decision: MNR's Natural Heritage Reference Manual

Decision Information:
Registry Number: PB8E6015
Proposal Notice: August 11, 1998
Decision Notice: July 2, 1999
Comment period: 45 + 18, total 63 days
Comments received: 17

Description:
The Natural Heritage Reference Manual (NHRM) is a support document to the Provincial Policy Statement (PPS) issued under the *Planning Act* (*PA*). Under section 3 of the *PA*, municipalities and other planning authorities (hereafter referred to as "municipalities") must "have regard to" the matters of provincial interest set out in the PPS. MNR has prepared the NHRM to help municipalities and other planning authorities to apply the Natural Heritage Policy 2.3 of the PPS, which falls under MNR's mandate. Policy 2.3 of the PPS states that natural heritage features and areas will be protected from incompatible development. A number of different natural heritage features and areas are described in the policy, including:

- significant wetlands;
- significant portions of the habitat of endangered and threatened species;
- fish habitat; significant areas of natural and scientific interest (ANSIs);
- significant wildlife habitat;
- significant woodlands and valleylands located south and east of the Canadian Shield.

MNR is still responsible for identifying provincially significant wetlands, habitats of endangered species and ANSIs, but municipalities are now responsible for identifying the other natural heritage features and areas, including regionally significant ANSIs. The manual contains detailed technical advice and criteria to help municipalities:

- identify and evaluate individual natural heritage features;
- use a systems approach to protect natural heritage features and areas;
- incorporate natural heritage policies in municipal policy documents;
- assess potential impacts of development on natural heritage features and areas;
- evaluate the effectiveness of their policies.

Implications of Decision:
This decision should result in better and more consistent implementation of the Policy 2.3 of the Provincial Policy Statement by municipalities, which until now have had no guidance for implementing Policy 2.3. The overall implications of this decision are actually a result of the larger policy decision by the Ontario government in 1996 to revise the *Planning Act* and the Provincial Policy Statement. As a result of the 1996 decisions, MNR has a much reduced role in municipal planning matters, and municipalities have the responsibility to implement the natural heritage policies in the PPS. This manual fills a need for technical advice to

municipalities on how to carry out these responsibilities.

With this manual, MNR sets out a suggested process for carrying out these matters of provincial interest, but it is advisory only. In its comments, MMAH reminded MNR that "We need to stress that this document provides advice on the approach that MNR would have used, but that other approaches that meet the intent of the policy are also acceptable." A development-oriented association proposed that a qualifier be placed at the beginning of each appendix advising the reader that it is the approach that MNR might have taken only if they were still in the business of reviewing each application for land development. MNR inserted "recommended approach" to address this concern. The association also requested changes to the statement that land development applications should have "no negative impacts" upon natural heritage features, given the fact that municipalities only have to "have regard to" each of the policy matters in the PPS, including the natural heritage policies. MNR disagreed, maintaining that this was a difference in policy interpretation.

The manual itself is comprehensive and well-written. However, under the new one-window provincial approach to planning, implementation of the *Planning Act* and the Provincial Policy Statement and any guidance documents like MNR's is now the responsibility of municipalities under the oversight of the Ministry of Municipal Affairs and Housing (MMAH). Some commenters raised concerns that implementation of the NHRM is likely to be hit and miss, given that it is advisory only, and given the number of different planning authorities now responsible for these matters of provincial interest. This should not be construed as criticism of MNR. As one person commented, "Many municipalities have limited or only contract staff, their training and experience has been largely in urban development rather than natural heritage planning, and there are increasingly limited resources for outside consulting...". That person suggested providing more examples of good municipal policies and initiatives, to strengthen implementation and build on innovation and success in various municipalities.

It will be many years before the success of implementation of this manual and the Provincial Policy Statement can be assessed, and much will depend upon the interpretation of the policies, and the degree of adherence to this manual, by many different planning authorities, including municipalities and the Ontario Municipal Board (OMB).

Public Participation and *EBR* Process:
The NHRM was developed under the guidance of a review team, with representatives from a number of stakeholder groups, including naturalists, developers, planners, municipalities and the Ontario Ministry of Municipal Affairs and Housing. Judging from the comments MNR received, stakeholders were very pleased to have been invited to contribute to the drafting and review of the manual.

MNR provided a 45-day comment period, then extended it by 18 days, for a total of 63 days. The ministry received 17 comments from a range of agencies, including environmental groups, municipalities, conservation authorities and other Ontario ministries. MNR staff did a very good

job of considering the comments and describing the effect of comments on the final decision in the *EBR* decision notice. The decision notice included a comprehensive list of the substantive, technical issues raised, and included the ministry's response to those comments that did not result in changes.

SEV:
MNR staff carried out a comprehensive review of this proposal to assess its environmental impact, determine its environmental significance, and review whether the proposal was consistent with its SEV. MNR concluded that no aspects of the proposal conflicted with any provisions or commitments set out in MNR's SEV, and that the proposal serves several purposes of the *EBR* and the SEV.

Other Information:
In early 1997, MNR released its first versions of the four manuals addressing MNR's interests under the *Planning Act* and the Provincial Policy Statement:

- "Natural Heritage Training Manual for Policy 2.3 of the Provincial Policy Statement" (Version 1.0, February 97);
- "Development Application Review Manual" (Version 1.1, draft, February 1997);
- "Natural Hazards Training Manual" (Version 1.0, January 1997);
- "Non-Renewable Resources Training Manual (A. Mineral Aggregates, B. Petroleum Resources, C. Human Made Hazards)" (Version 1.1, March 1997).

The ECO reported on these manuals as "unposted decisions" in the 1997 annual report, concluding that all the manuals should have been posted on the Registry at an early stage in their development. As a result, MNR committed to posting each manual on the Environmental Registry as it was revised.

MNR posted a revised Development Application Review Manual as a proposal on the Environmental Registry on February 3, 1999, and extended the comment period once, to a total of 113 days. As of the end of March 2000, no decision notice had been posted, but MNR staff say that the Development Application Review Manual will be finalized soon.

MNR is also revising the manuals dealing with Non-Renewable Resources and Natural Hazards. MNR staff are also preparing a number of new manuals and guidelines on related issues, including Ecological Land Classification and Significant Wildlife Habitat. They will be posted on the Environmental Registry for public comment after they have been reviewed by MNR's stakeholder review team.

ECO Comment:
This manual is much needed, and MNR should be lauded as the first ministry to prepare such manuals to provide technical assistance to municipalities which must "have regard to" provincial interests in the new municipal planning system. Unfortunately, since the manual is advisory only, its implementation depends on how and whether it is used by municipalities, MMAH, and

the OMB. The ECO encourages MNR and MMAH to work proactively to ensure that this manual is used to achieve the goals of the Natural Heritage Policy of the Provincial Policy Statement.

MNR carried out an excellent public/stakeholder consultation process, including a 63-day comment period on the Environmental Registry. The final NHRM appears to be more acceptable to stakeholders than the first version, and is likely to be better implemented as a result.

MNR should finalize the related Development Application Review Manual, and post a decision notice on the Environmental Registry. While the stakeholder review team appears to have been useful in developing the Natural Heritage Reference Manual, the ministry should also post any new or revised manuals or guidelines on the Registry for public comment at the earliest possible stage in their development.

Review of Posted Decision: Ontario's Living Legacy - Land Use Strategy

Decision Information:

Registry Numbers: PB7E4001, 2, & 3
Proposal Notice: March 29, 1999
Decision Notice: July 16, 1999
Comment Period: 31 days
Number of Comments: 8,274
Decision Implemented: Approved Strategy was released on June 11, 1999

Description:

Ontario's Living Legacy Land Use Strategy is a land use plan that sets out broad strategic direction for the management of 39 million hectares of Crown lands and waters in central and northern Ontario. The total planning area is 45 million hectares of land covering almost half the province, but the Strategy does not apply to the 13 per cent of the planning area which is either private or federal lands. The Land Use Strategy is intended to end long-standing disputes between stakeholders who have competing interests in Crown lands and resources, including forestry, mining, tourism, fishing and hunting, and natural heritage protection. Ontario's Living Legacy Land Use Strategy is the result of the Lands for Life planning process initiated in 1997.

The Strategy divides all Crown lands and waters in the planning area into several land use categories, and sets out what types of activities may occur on lands in each category. About 70 per cent of the planning area was placed in the category "General Use Areas," meaning that current land use activities can continue unchanged. Further planning in General Use Areas will primarily occur through forest management planning, which is carried out by the forest industry, with plans approved by MNR.

The Strategy adds 332 new parks and conservation reserves, and makes additions to 46 existing parks and conservation reserves, to protect a total of 12 per cent of the planning area from forestry and mining. The proposed boundaries of the additions to the parks and protected areas are set out in the Strategy, but will be refined with further public consultation, and then regulated under the *Provincial Parks Act* and the *Public Lands Act*.

To mitigate the effect of the additions to parks and conservation reserves on other extractive users of Crown lands, MNR amended the Provincial Parks Planning and Management Policies (1992) and the Conservation Reserves Policy and Procedure (1997) to allow a number of currently prohibited uses in the new parks. For example, mineral exploration will be allowed in areas having very high mineral potential in new provincial parks and conservation reserves under controlled circumstances. Neither the identification of areas of high mineral potential nor the new policies setting out the controlled circumstances have been developed yet, but mineral exploration will not be permitted until a number of new procedures and guidelines are developed. The Ministry of Northern Development and Mines has the lead responsibility for policy development related to mineral exploration in new parks and protected areas and expects to post proposals related to these new policies on the Registry within about 2 years. If a site is to be developed for a mine, it would be removed from the park or conservation reserve and another

area would be added. Another major change to parks policies is a concession to allow sport hunting in all new parks and conservation reserves, other than nature reserve parks and zones, and to consider allowing sport hunting in existing wilderness parks.

To resolve long-standing conflicts between the forest industry and the resource-based tourism industry, the Strategy identifies a number of actions, including plans to strengthen existing forest management guidelines for the protection of tourism values, establish a new process for negotiating Resource Stewardship Agreements between tourism operators and the forest industry, and develop a new dispute resolution process. A new land use category -- Enhanced Management Area for Resource-based Tourism -- can be applied in subsequent planning where Resource Stewardship Agreements have been negotiated. No lands were assigned to this land use category in the Strategy, since further policy development is required.

In addition, to compensate the forest industry for the loss of access to timber in the new protected areas withdrawn from forestry, the Forest Accord includes measures such as compensating forest licence holders for loss of capital works (e.g., bridges, roads), and changing provincial laws and regulations to allow more intensive forestry operations in certain areas than are currently permitted. The Strategy includes a new land use category -- Enhanced Management Area - Intensive Forestry -- that can be applied in subsequent planning. No lands were assigned to this land use category in the Strategy, since further policy development and planning are still required.

Several other land use categories are identified in the Strategy, but they account for a very small percentage of the land base, at least until the Resource-based Tourism and Intensive Forestry designations are used in subsequent planning. Nine featured areas are identified in the Strategy, including the Great Lakes Heritage Coast, the Algoma Highlands and the Kawartha Highlands. Further planning will be undertaken by MNR and stakeholder groups to address special management issues in these areas, but will not impact wood supply for the forest industry. The Strategy also contains a summary of land use areas and area-specific policies to protect certain features, for all lands other than the General Use Designation.

Public Participation and *EBR* Process:
The Registry notice proposal for the Proposed Land Use Strategy was the fourth and final public consultation stage of the Lands for Life planning process that began in 1997. In the Registry notice of this Proposed Land Use Strategy, MNR summarized the previous public consultations carried out by the stakeholder-based Round Tables appointed by the minister, the results of public comments on the Round Tables' recommendations, and also described subsequent negotiations between various parties. The proposal notice was posted on the Registry at the same time as the Proposed Land Use Strategy was announced by the Premier and Ministers of Natural Resources and Northern Development and Mines. While the public was given 31 days to provide comments, it was made clear that the major policy decisions (for example, that there would be 378 new parks and protected areas, constituting 12 per cent of the planning area) had been made. For example, the proposal notice informed the public about the *1999 Forest Accord*

and the Government Response to the Consolidated Recommendations of the Round Tables as government policy, not as proposals for comment (see "Other Information"). As a result, the final decision contained few changes to the proposed policies and minor changes to refine boundaries.

MNR received 8,274 comments on this posting for the Proposed Land Use Strategy. The decision notice included a thorough summary of the effects of public comments, including the comments that had no effect on the decision. The notice included a summary and breakdown of the percentage of comments supporting or opposing certain major policy proposals. MNR did not provide a summary of the effects of over 1,000 comments about specific sites, because of the large number and varied nature of the changes, but said that numerous changes had been made to boundaries and intended uses as a result of the comments.

MNR's decision notice stated that "the consultation was not viewed as a plebiscite on particular policy questions." For example, the proposed changes to allow mineral exploration and sport hunting in new parks and park additions (other than nature reserves) were approved even though 70 per cent of the comments opposed the changes to provincial parks policies. Thirty-five per cent explicitly opposed mineral exploration in parks and protected areas and 44 per cent were opposed to hunting in parks.

MNR said that the Strategy is the result of careful consideration of the Round Table recommendations, public comment, representations by interest groups and industries, and government analysis. The "representations" have been most criticized in the process. Many parties have accused the government of making key decisions in closed negotiations with various parties. First, tripartite negotiations between the forest industry, a coalition of environmental groups, and ministry staff, took place in early 1999 and resulted in an agreement on the recommended protected areas put forward for public consultation in the Proposed Strategy. Secondly, it appears that significant interest groups, for example, the hunting and mining sectors, which were not involved in the tripartite negotiations then lobbied the Ministers of Natural Resources and Northern Development and Mines for concessions to address their concerns. This was evidenced in a memo from the Minister of Northern Development and Mines to all mining claim holders, making certain commitments to the mining sector, and a commitment from the Minister of Natural Resources to the Ontario Federation of Anglers and Hunters that the ministry would remove the prohibition on sport hunting in existing wilderness parks.

The decision notice does not explicitly describe the comments received from Aboriginal peoples, but does state that the government and the Union of Ontario Indians have agreed to establish a Council as a mechanism to bring senior officials from the Anishinabek Nation together with senior MNR officials to resolve outstanding resource management issues. A MNR summary of public input provided to the ECO states that Aboriginal Peoples were generally dissatisfied with the Proposed Strategy and the public consultation, and commented on the need to address Aboriginal treaty rights and land claims.

Lands for Life/Ontario's Living Legacy was the largest and most complex public consultation exercise ever carried out by MNR. As the ECO reported in our 1998 annual report, many stakeholders found that the speed and complexity of the exercise resulted in poor access to information and inadequate time for public comment. When the Proposed Land Use Strategy was posted on the Environmental Registry for a 31-day comment period in March 1999, the Environmental Commissioner wrote twice to MNR requesting an extension to the comment period, to compensate for limited availability of the proposal early in the comment period. MNR made the proposal available on its Internet site, but many members of the public either do not have Internet access or do not have the capability to view the important maps and graphics. Apparently many MNR offices did not have copies of the proposed strategy available for public viewing until halfway into the comment period.

The ECO also urged the ministry to post the 1999 Forest Accord, or to repost the OLL Strategy with adequate information about all the environmentally significant initiatives outside of, but related to, the Land Use Strategy. The Commissioner was concerned about the lack of public consultation on policies related to mining, new policy directions in the Forest Accord, and implementation of government commitments in the Government Response to the Consolidated Recommendations of the Round Tables that were to be implemented outside the OLL Strategy. MNR decided not to extend the comment period, but committed to posting numerous *EBR* proposals for comment over the coming years as the ministry proceeds with various elements of implementation.

MNR has already carried out consultations on the boundary refinements and plans to regulate the first set of 64 new, and additions to existing, protected areas. The regulation of the additions to the park and protected areas system does not require posting for comment on the Registry, but MNR has committed to posting exception notices and providing updated notices on the Registry to inform the public about the consultations and boundary refinements. If MNR decides at a later date not to regulate any of the proposed parks or conservation reserves, or proposes a significant change to the size or classification of a protected area, it would consider that a major amendment to the Strategy and would post a notice on the Registry for public comment. Minor amendments to the Strategy, defined as those that do not alter the original intent of the Strategy, have a negative effect on the public or adjacent landowners, or have any significant impacts, will be approved by senior MNR officials, without public consultation.

SEV:
MNR considered its SEV in making the decision on the Land Use Strategy. A seven-page SEV briefing note was prepared by the Director of the Land Use Planning Branch, and was reviewed and given consideration by the Minister of Natural Resources. MNR concluded that the Land Use Strategy contributed to the achievement of several purposes of the *EBR*, and many provisions of the ministry's SEV. Further, MNR concluded that no aspects of the proposal conflict with the SEV. The ECO agrees that this Land Use Strategy is consistent with the ministry's SEV, and furthers several purposes of both the SEV and the *EBR* related to protecting biological and ecological diversity, and significant natural heritage features.

Implications of the Decision:
The OLL Strategy is probably the most significant policy initiative of the provincial government to achieve the purposes of the *EBR* since its inception. The plan to protect 12 per cent of the planning area as parks or conservation reserves contributes significantly to the protection and conservation of biological, ecological and genetic diversity, and the protection of ecologically sensitive areas.

Some policy decisions made to compensate various interest groups and industries will result in intensification of resource extraction on the remaining land base and on areas outside the planning area. It is impossible to assess the potential environmental effects of these aspects of the Strategy, since many details are still being developed. For example, the ministries and advisory groups are developing new policies for mineral exploration in parks and for intensive forestry operations, as well as deciding which lands will be open to these activities. MNR and MNDM should assess the potential environmental effects of those new policies before they are implemented.

Other Information:
At the same time as it posted the Proposed Land Use Strategy on the Registry for public comment, the ministry made the 1999 Forest Accord and the Government Response to the Consolidated Recommendations of the Round Tables available to the public on their own Internet site. These two documents were not posted on the Registry for public comment, but were mentioned in the Registry posting as "other information" to inform the public of these policy decisions. The ECO urged MNR to post these environmentally significant policies on the Registry for public comment before they were implemented, but MNR declined. Some aspects of these two documents were incorporated into the Land Use Strategy, but other government commitments will be implemented outside the Land Use Strategy and may result in changes to existing laws, regulations or policies, or development of new laws, regulations or policies. The Forest Accord includes 31 commitments, such as:

- no long-term reduction in wood supply for the forest industry;
- no net increase in the cost of wood to mills;
- modifications to the Timber Class EA and the *Crown Forest Sustainability Act* and its regulations, in order to permit intensive forest management practices;
- MNR will compensate the forest industry for lands withdrawn from forestry;
- extension of commercial forest management north of the area covered by the Timber Class EA and the OLL Land Use Strategy;
- an expeditious review of forest management planning guidelines.

Under the 1999 Forest Accord, a new Forest Accord Advisory Board (OFAAB) is developing a strategy for making additions to the protected areas system, identifying areas for intensive forest management, and making recommendations for further mitigation and transition strategies. Many of these activities will result in environmentally significant proposals and should be posted by the ministry on the Environmental Registry for public comment before they are implemented.

In the meantime, MNR is making some information about the OFAAB's activities public on the MNR Internet site, including meeting agendas and summary notes.

Despite public opposition to the proposal to allow hunting in all new parks and new additions to wilderness parks (except for nature reserves), MNR made further changes to accommodate the hunting lobby. The approved Land Use Strategy says that "based on comments from the angling and hunting community, MNR will consider opportunities to provide additional hunting opportunities during park management planning for existing parks, including existing wilderness parks." The ECO considers this change to provincial parks policy to be an unposted decision, since the proposal was not part of the Proposed Strategy posted on the Environmental Registry for public comment.

ECO Comment:
This was an enormously complex and ambitious planning initiative, with unprecedented public and stakeholder involvement. Even though MNR had provided several opportunities for public consultation at earlier stages of this process, the Proposed Land Use Strategy reflected some major changes to the earlier Round Table proposals. Given the complexity and number of separate policy decisions being made, and the limited availability of the proposal early in the comment period, MNR should have provided more than 31 days for public comment when it provided notice of the Proposed Land Use Strategy in March 1999.

As the ECO suggested in our 1998 annual report, the ministry probably should have consulted the public separately on major changes to provincial policies. It was difficult for the public to understand the number of different policy proposals contained in the Proposed Land Use Strategy, as well as provide meaningful comment on site specific land use designations. Despite the problems caused by the ambitious deadlines for the project, ministry staff did a good job of providing notice on the Registry and describing the effects of public comments on the decision.

Some environmentally significant decisions related to the Strategy were not posted on the Registry for public comment. Also, many aspects of the approved Strategy require further policy development and identification of areas where certain activities will be permitted. The ECO anticipates that many new or revised policies for forest management, park management and mining exploration in new parks and protected areas will be developed as a result of the Ontario's Living Legacy, the Forest Accord, and the government's response to the Round Table Recommendations. MNR should ensure that implementation of these new policy directions includes adequate public consultation, especially for important new policies not included or developed at the time of public consultation on the Proposed Land Use Strategy.

MNR's decision to protect 12 per cent of the land base in parks and conservation reserves is a significant achievement, and contributes to the purposes of the *EBR*. Concessions to the hunting, mining and forestry sectors, particularly the changes to permit mineral exploration in new parks, intensive forestry operations in some areas and to extend commercial forestry north of the planning area, may have negative impacts on the sustainability of our northern ecosystems and protected areas. The ECO will also continue to monitor implementation of this decision.

Review of Posted Decision: Guidelines for Mapping Endangered Species Habitats under the Conservation Land Tax Incentive Program

Decision Information:

Registry Number: PB8E6007
Proposal Notice: April 9, 1998
Decision Notice: October 27, 1999

Comment Period: 30 days
Number of Comments: 0

Description:

MNR has adopted descriptive guidelines for the identification and mapping of some endangered species habitats in support of the Conservation Land Tax Incentive Program (CLTIP).

CLTIP is a voluntary program which offers tax relief to landowners who agree to participate. A landowner may qualify for the program if the landowner's property contains at least 0.2 hectares of the habitat of an endangered species protected and listed in Regulation 328 under the *ESA*, as determined by the mapping guidelines. CLTIP is delivered in cooperation with the Ministries of Finance and Municipal Affairs and Housing (MMAH).

This decision provides detailed mapping guidelines for some endangered species listed in regulation under the *ESA* and generic guidelines for others. In the notice, MNR indicates that it does not intend to develop mapping guidelines for those species not found on private land. The guidelines themselves describe another category of endangered species that does not have mapping guidelines, i.e., those whose sole remaining habitats are confined to conservation lands that are already eligible for tax relief.

The ministry states that this decision will help to foster goodwill between government agencies and affected landowners.

Analysis of Guidelines

The guidelines redefine conservation lands to include the habitat of endangered species. The identification and mapping of endangered species habitat is to be carried out by qualified MNR employees or agents. Habitat maps are to be provided to regional assessment offices to identify landowners. Landowners are notified by MMAH that they are eligible for tax relief, and are required to file an application if they wish to participate in the program. According to MNR, the only demand made of participating landowners is that they allow MNR personnel occasional access to their property.

Mapping guidelines are provided for the following species: Bald Eagle; Peregrine Falcon; Piping Plover; Loggerhead Shrike; Henslow's Sparrow; Blue Racer and Lake Erie Water Snake (combined); Cucumber Tree; and six species of endangered plants (combined).

Implications of the Decision:

The mapping guidelines support the CLTIP, which is designed to recognize, encourage and

support the long-term stewardship of specific classes of conservation lands. Habitats of species protected in regulation under the *ESA* are a new category of eligible land under the program.

Public Participation and *EBR* Process:
Thirty days were provided for Registry comment, but no comments were received. The ministry undertook no public consultation beyond the Registry proposal notice.

Given the technical nature of the mapping guidelines and their non-controversial nature, further consultation was probably not required. However, the ministry should not have taken 18 months, from the time of the proposal notice, to post the decision. The public is entitled to more timely notification.

SEV:
The ministry states that this decision ensures the long-term health of ecosystems by providing an incentive for landowners to maintain and protect endangered species inhabiting their property. MNR states that social and economic impacts are recognized in the guidelines in view of the fact that landowners are consulted with respect to their interest in the program and invited to participate. The ministry claims that the guidelines were written to produce consistent, defensible results which are scientifically accountable, and were prepared in consultation with knowledgeable technical experts who have had direct research experience with the species.

ECO Comment:
This decision supports the CLTIP. The mapping guidelines for MNR personnel provide greater certainty to the program, and the development and publication of such guidelines is to be encouraged. However, as far as could be determined, the only requirement of landowners qualifying for property tax incentives was allowing MNR staff occasional access to their property. Despite inquiries from the ECO, it was not possible to determine the frequency of MNR property visits nor by what means MNR determines whether habitat is being protected. MNR also failed to respond to inquiries about what was expected of landowners participating in the program respecting the protection of habitat, and how that is monitored. It is therefore difficult to assess whether the program provides sufficient protection to the habitats of endangered species on private property and whether sufficient staff resources are dedicated to CLTIP.

Review of Posted Decision: Listing of 20 species as provincially "Threatened," and 17 species as "Vulnerable" on the "VTEEE Species of Ontario" list

Decision Information:

Registry Number: PB9E6004
Proposal Notice: July 27, 1999
Decision Notice: March 1, 2000
Comment Period: 30 days
Number of Comments: 0
Date Policy Implemented: September 1999

Description:

MNR assigned 20 species a provincially "Threatened" status and to 17 species a provincially "Vulnerable" status. This was based on a recommendation by the Committee on the Status of Species at Risk in Ontario (COSSARO) established by MNR to evaluate the status of "species at risk" by examining data from status reports, MNR databases and consultation with experts. Based on its evaluations, COSSARO makes periodic recommendations to MNR regarding the listing of species in a status category (e.g. "Endangered," "Threatened," "Vulnerable," etc.).

The ministry claims that this proposal is consistent with the ministry's policy to identify, interpret, manage and enhance species native to Ontario that are at risk. It claims that the purposes of this decision are:

(1) to increase the chance of survival of 20 species (10 fish, 5 plants, 2 amphibians, 3 reptiles) determined to be provincially "Threatened"

- by raising the awareness of the general public;
- by providing information on the status of these species to planning authorities who are responsible for implementing the Natural Heritage component of the Provincial Policy Statement under the *Planning Act*;
- by providing information to Crown forest management authorities for forest management planning purposes.

(2) to increase the conservation prospects for 17 species (8 fish, 3 plants, 2 amphibians, 3 reptiles, 1 mammal) determined to be provincially "Vulnerable" by raising awareness among the general public and organizations that have an interest in monitoring and protecting them; and

(3) to partially fulfil Ontario's commitment under the National Accord for the Protection of Species at Risk.

Implications of the Decision:

The protections offered by the "Threatened" designation are weak and those offered by the "Vulnerable" designation are weaker.

The provincial *Endangered Species Act* (*ESA*) offers no protection to species designated as "Threatened" or "Vulnerable."

The provincial *Fish and Wildlife Conservation Act* (*FWCA*) provides no additional protection to species when they are designated by MNR as "Threatened" or "Vulnerable." The *FWCA* defines a number of mammals, birds, reptiles, amphibians and invertebrates as "specially protected," thus protecting them from hunters and trappers, and their further designation as "Threatened" or "Vulnerable" in no way enhances their level of protection or the protection of their habitats.

The Natural Heritage part of the Provincial Policy Statement under the *Planning Act* states that "*development will not be permitted in significant portions of the habitat of endangered and threatened species.*" MNR's Natural Heritage Reference Manual, which supports the Natural Heritage part of the Provincial Policy Statement, indicates that the habitats of "Threatened" and "Endangered" species require a high level of protection. However, planning authorities need only "have regard" to the Provincial Policy Statement so that the protections offered by the species designations are somewhat discretionary.

"Threatened" species are included as Provincially Featured Species in MNR's Forest Management Planning Program. As such, they are subject to guidelines for protection of habitat as outlined in MNR's Forest Management Planning Manual for Ontario's Crown Forests.

Public Participation and *EBR* Process:
No comments were received in response to the Registry posting. The ministry undertook no public consultation beyond the Registry posting.

The ministry provided information on the distribution and ecology of aquatic species recommended as "Threatened" and "Vulnerable" and indicated the availability of similar information for terrestrial species. The Registry posting also provided a number of interesting web links including a link to the Royal Ontario Museum web site. The list of species at risk at this site, however, was at least one year out of date.

The proposal posting stated that "(i)t is anticipated that the recommended provincial listings will enter into effect "by September 1999." However, the decision was not posted until March 2000. Since no public comment had been received, there appeared to be no good reason for the six-month delay.

SEV:
The ministry claims that this decision supports the SEV objective of protecting natural heritage and biological features of provincial significance, and that it also supports the SEV objective of ensuring the long-term health of ecosystems by protecting and conserving valuable wildlife resources.

The ministry also claims that the decision "contributes to the purpose of the *EBR*" by aiding the

protection and conservation of biological, ecological and genetic diversity.

As the protections afforded by the "Vulnerable" and "Threatened" listings are weak, the ECO considers that the decision is neutral with respect to the purposes of the *EBR* and the SEV commitments of the ministry.

ECO Comment:
This decision will have very little impact on the protection of the 37 subject species at risk, either in terms of direct protection or in terms of protection of habitat. As discussed in the section above on Implications of Decision, the MNR designation of species as "Vulnerable" or "Threatened" affords them little, if any, additional protection beyond the very basic level of protection provided by the existing legislative and policy framework. The only potential benefit that can be claimed relates to a possible increase in public awareness of the status of the subject species.

The existing framework for protection of species at risk is confusing and difficult for the public to understand. Although the ministry expressed a willingness to clarify issues for the ECO, it was apparent that an excessive burden at MNR is borne by a small number of individuals charged with the mandate of protection of species at risk.

The ECO encourages MNR to initiate a public policy debate into the adequacy of the legislative and policy framework in Ontario to ensure that the government remains true to its commitments to prevent species loss, and to adequately identify and protect species at risk.

Review of Posted Decision: Closure of spring season for hunting black bear: amendment to Reg 670/98 (Open Seasons - Wildlife) made under the *Fish and Wildlife Conservation Act* (O. Reg. 88/99)

Decision Information:
Registry Number: RB9E6001
Proposal Notice: January 21, 1999
Decision Notice: October 13, 1999
Comment Period: 30 days
Regulation filed: March 4, 1999

Description:
This regulation amends Ontario Reg. 670/98 (Open Seasons - Wildlife) made under the *Fish and Wildlife Conservation Act,* canceling the spring open hunting season for black bears in April, May and June. The stated purpose of the decision was to eliminate mistaken shootings of female bears with young cubs during the spring open hunting season.

Implications of the Decision:
The posting indicates that MNR considered the potential environmental, social and economic consequences of the regulation, and described them in their posting as follows:

Environmental:
MNR indicated that the environmental consequences of the regulation are expected to be positive as it will stop the orphaning and death by starvation of young bear cubs as a result of hunting activity in the spring. The ministry does not expect that the regulation will have any significant long-term effect on the overall bear population.

Social:
MNR stated that ending the spring bear hunt will be viewed favourably by those who have expressed concern about the orphaning of young bear cubs in the spring. Spring bear hunts are held in all other Canadian jurisdictions that have bears, except for Nova Scotia. Out of 41 U.S. states with bear populations, 27 allow bear hunting and only six permit a spring hunt. MNR indicated that ending the spring hunt will not be viewed favourably by those who participate in it, including hunters and bear hunt operators.

Some articles in the press published in the summer and fall of 1999 about the spring bear hunt ban suggest, however, that there may be too many bears now that the spring hunt has been banned, creating hazards for northern communities that have starving bears wandering into their towns looking for food. An additional concern is that MNR no longer is playing a key role in managing bear populations and municipalities are required to take greater responsibility for bear control.

Economic:
MNR acknowledged that the anticipated economic consequences of the proposal are expected to be negative for the tourist operators and guides who rely on the spring bear hunt for income. To

compensate these groups for their loss, the government established an immediate assistance program to help affected spring bear hunt operators, at a rate of $250 per hunter who used their services. The posting indicated that transition by operators to other tourism revenue sources is being explored as a means of promoting increased participation in the fall bear hunt - see Other Information.

Public Participation and *EBR* Process:
Over 35,000 comments were received on this proposal which had a 30-day comment period. The posting for the regulation indicated that 64 per cent of respondents opposed the proposal, about 35 per cent expressed support for it, and about one per cent were unclear. Given the high level of public interest, a longer period of consultation and Registry posting was warranted, even though the proposal was brief and clearly written. Other public consultation included a province-wide news release issued in accordance with Exemption Order MNR-42 made under the *Environmental Assessment Act* (wildlife population and habitat management activities as conducted by MNR), newspaper advertisements and letters sent to stakeholder groups.

Even though the majority of comments were against the proposal, MNR decided to pass the proposed regulation.

Responding to comments that Ontario's bear population is high, MNR agreed but indicated that the proposal was not for the purpose of sustaining Ontario's bear population, but was put forward to guarantee that female bears emerging from winter hibernation with young cubs are not mistakenly shot during the spring bear hunt.

Responding to comments that the decision was not based on scientific data, the ministry cited data indicating that bear cubs experience a high mortality rate if orphaned in the spring season when mother bears are lactating. The decision posting indicated that "the scope of accepted wildlife management principles is not based solely on scientific data. Rather, the scope of accepted wildlife management principles takes into account, with respect to hunting practices, perceptions of social acceptability and humane hunting practices as they may change from time to time."

In considering comments on economic impact, consistent with the government's news release of January 15, 1999, the ministry created a financial assistance program for spring bear hunt operators affected by the decision, and stated that it is "exploring ways to diversify and strengthen northern tourism."

SEV:
MNR considered its SEV in making the decision. MNR weighed the expected negative social and economic impacts from ending the spring bear hunt against broad public concern that bear cubs were being orphaned, and decided to pass the regulation. While the proposal did not conflict with any provisions or commitments set out in MNR's SEV, MNR indicated that the regulation would not have a significant long-term impact on the overall bear population. The

regulation thus has a neutral effect on the ministry's SEV goal to develop Ontario's natural resources sustainably.

Other Information:

MNR posted a related regulation on March 9, 1999 expanding the fall season for bear hunting (RB9E6002). The regulation, in force on July 6, 1999, expanded the fall bear hunting season by opening the season up to two weeks earlier in most areas of Ontario. For Northern Ontario, this means the fall bear hunting season opens on August 15. The regulation appears to be a response to counter criticism by tour operators whose revenue was diminished as a result of the cancellation of the spring bear hunt. According to the ministry's decision posting, the regulation proposal was opposed by a majority of commenters concerned that it would increase conflicts between hunters and outdoor recreationalists. One news article quoted the president of the Ontario Fur Managers Association, who stated "[a]t that time, there are people in the bush, families camping with their children and others doing things like picking blueberries. It's dangerous and we simply can't understand the government's thinking." In response to these concerns the ministry noted that it will continue to work with hunting organizations to ensure the success of the hunter education program and that "it is expected that there will be little contact between hunters and non-hunting recreationalists."

ECO Comment:

Apart from evidence showing that cubs orphaned in the spring have a high mortality rate, the decision does not appear to be based on biological or scientific reasons. The minister emphasized the social/moral aspects of wildlife management principles instead. As noted in the ECO's 1997 annual report and its 1997 Supplement, MNR needs to improve many of its wildlife information data bases, including those on the bear population and on big game mortality. While the ministry's decision to cancel the spring bear hunt was intended to address social and ethical concerns rather than the sustainability of the bear population, improvements to the provincial data bases on wildlife populations and on big game mortality may assist MNR to assess the impact of future regulatory changes on natural resource sustainability. Additionally, the 30-day public consultation period on the decision appears to have been too short, given the high level of public interest in the proposal.

Review of Posted Decisions: Amendment to Regulation 328, R.R.O. 1990, under the *Endangered Species Act*: listing of the Prothonotary Warbler and the King Rail as endangered species (O. Reg. 532/99)

Decision Information:

Registry Numbers: RB8E6018 & RB8E6019
Proposal Notice: December 29, 1998
Decision Notice: November 29, 1999
Comment Period: 30 days
Number of Comments: 2
Regulation Filed: November 18, 1999

Description:

These regulations amend Schedule 1 under O. Reg. 328 of the *Endangered Species Act (ESA)* to include the Prothonotary Warbler and the King Rail in the species presently listed as endangered in the schedule. The stated purpose of these decisions to add the Warbler and the King Rail to the endangered species list is to prevent the population decline of these species of birds and their extinction in Ontario by ensuring they are protected under the *ESA*. The amendment to O. Reg. 328 will also serve to increase public awareness of the endangered status of the Warbler and the King Rail.

Ontario's *ESA* was proclaimed into law in 1971 and was the first piece of legislation in Canada to protect species at risk of extinction. The Act states under section 5 that "no person shall willfully, (a) kill, injure, interfere with or take or attempt to kill, injure, interfere with or take any species of fauna or flora; or, (b) destroy or interfere with or attempt to destroy or interfere with the habitat of any species of fauna or flora, declared in the regulations to be threatened with extinction." Persons who commit an offence under this Act are liable to a fine of up to $50,000 dollars and/or imprisonment for up to two years.

The Prothonotary Warbler (*Protonotaria citrea*) is a small songbird with golden yellow plumage that inhabits wooded wetlands and swamp forests of central and eastern North America, including southwestern Ontario. This species was designated as rare in 1984 by the Committee on the Status of Endangered Wildlife in Canada (COSEWIC), and uplisted to endangered in 1996. Surveys conducted across the Warbler's North American range have documented a decline in its population in Ontario since the 1960s. The population has fallen from over 100 pairs in the early 1900s, to approximately 50 pairs in the mid-1980s when the species was designated to be nationally rare, to a known population in 1998 of 16 pairs and seven single males. The decline probably reflects wetland habitat loss, fluctuating water levels in the Great Lakes, competition for nesting sites and a gradual continental population decline.

The King Rail (*Rallus elegans*) is a large rusty-brown marsh bird with a long bill and dark brown streaks on its back. This ground-dwelling marsh bird inhabits fresh-water wetlands in central and eastern North America, including the lower Great Lakes basin in southern Ontario. This species was designated as rare in 1985 and uplisted to endangered in 1994 by COSEWIC. The most recent breeding survey, conducted in 1997, demonstrated that King Rails were found at fewer than 10 sites in Ontario. Marsh drainage and degradation of wetlands appear to be the

primary causes of the King Rail's population decline.

Implications of the Decision:
MNR assessed the potential environmental, social and economic impacts of the regulation amendment for both the Warbler and the King Rail, and described them in a Regulatory Impact Statement included in its Environmental Registry posting.

The environmental consequences of the amendment are expected to be positive as it will provide protection to the endangered Warbler and King Rail, as well as conserve the biological diversity of their habitat. MNR claims that the use of a regulation to protect the Warbler and King Rail will improve their chance of survival. As compared to other control mechanisms, regulations are consistent, enforceable and efficient.

MNR considered the social and economic impacts on landowners with Warbler and King Rail habitat on their property. The landowners identified and contacted by MNR did not express any serious concerns regarding the proposal to protect Warbler and King Rail habitat. The band council on Walpole Island First Nation land with the largest population of King Rail has also agreed to allow surveying and monitoring of the population. MNR expects that the regulation will have positive social impacts insofar as it will increase public awareness of the Warbler's and King Rail's endangered status, which will in turn assist in efforts to protect these species of birds.

Public Participation and *EBR* Process:
MNR provided a 30-day comment period for both the Warbler and King Rail proposals. Two comments in support of the proposed amendment were received. These comments commended MNR for providing protection to the endangered Warbler and King Rail under the *ESA*.

In addition to the Registry posting comments, MNR provided all landowners the opportunity to express their views on the proposed regulation and undertook public consultation with landowners and the band council of Walpole Island First Nation before making these decisions. No serious opposition to the Warbler or King Rail proposals were brought forth by landowners. Given the public support received, MNR did not make any changes to its proposals.

SEV:
MNR stated in its SEV briefing note that these regulations do not conflict with any provisions or commitments of MNR's SEV. This regulation will serve "the purpose of the *EBR* with respect to protection and conservation of biological, ecological and genetic diversity." The protection provided through this regulation to the Warbler and the King Rail and to their habitat will contribute to the conservation of biological diversity. In addition, the regulations are consistent with MNR's policy of identifying, interpreting, managing and enhancing plant and animal species at risk in Ontario.

In its SEV document, MNR also states that landowners of Warbler and King Rail habitat may qualify for property tax relief under the Conservation Land Tax Incentive Program. MNR maintains that a potential property tax relief could enhance public acceptance of its shared responsibility in preserving the environment. This enhancement of shared public responsibility would uphold the principle of sustainable development.

Other Information:

The protection of endangered species is consistent with Ontario's commitment under the 1996 National Accord for the Protection of Species at Risk. This Accord between federal, provincial and municipal governments outlines the requirements for a national species-at-risk program. MNR biologists will work with federal and non-governmental agencies, such as Bird Studies Canada, on implementing recovery plans for both the Warbler and the King Rail. MNR's Natural Heritage Section will also monitor and manage Warbler and King Rail populations.

Ontario has designated 26 species as endangered under the *ESA*. In 1999, the Federation of Ontario Naturalists' (FON) made an Application for Review of *ESA* following a finding which indicated a discrepancy between federal and provincial endangered species lists. The application was denied by MNR. FON subsequently submitted additional information to the ECO which expressed concern over MNR's endangered species listing practices. ECO has reviewed MNR's handling of FON's Application for Review and will also examine additional information brought forth by both parties concerning this issue.

ECO Comment:

In passing these two regulations, MNR has taken positive action to protect the Prothonotary Warbler and the King Rail. However, the ECO is concerned with the delay between COSEWIC's listing of these species as endangered (Warbler - 1996; King Rail - 1994) and MNR's decision to amend O. Reg. 328 to designate these species under the *ESA* (1999). The designation of species as endangered under the *ESA* should be done in a timely manner, using an open and transparent decision-making process.

Review of Posted Decision: Plan for the Restoration of Elk in Ontario: Lake of the Woods Area Release Site and Bancroft/North Hastings Elk Release Project

Decision Information:

Registry Number: PB9E3009 and PB9E1017	Comment Period: 30 days
Proposal Notice: September 15, 1999 (PB9E3009) September 16, 1999 (PB9E1017)	Number of Comments: 13 (PB9E3009) 2 (PB9E1017)
Decision Notice: January 11, 2000 (PB9E3009) January 18, 2000 (PB9E1017)	Date Policy Implemented: January 11, 2000 January 18, 2000

Description:

MNR decided to proceed with the release of at least 100 elk over the next few years at each of two release sites, one in the Lake of the Woods area and the second in the Bancroft/North Hastings area. In accordance with its Plan for the Restoration of Elk in Ontario (PB7E6015), MNR approved six potential release areas for elk, including the Haliburton Highlands (which includes the Bancroft/North Hastings proposed release site) and the Lake of the Woods area. Elk were native to some areas of Ontario until the end of the 1800s, when they were eliminated by hunting and habitat loss. Until re-introductions began in 1998, only one herd was situated in Ontario, which was the result of an earlier introduction effort in the 1930s.

The York River Chapter of the Rocky Mountain Elk Foundation made a proposal to release elk in the Bancroft/North Hastings area in March 1999. MNR, in cooperation with that community group, released 70 elk in January 2000. Additional releases in that area will be made in future years until a total of at least 100 elk have been released.

Northwestern Ontario's Elk Restoration Coalition developed the plan for the Lake of the Woods area, in cooperation with the provincial committee and MNR. A total of at least 100 elk are to be released near Cameron Lake, within the Lake of Woods area, beginning in the winter of 1999-2000. Sixty elk were released in February 2000.

Implications of the Decisions:

Following the decisions to proceed, elk were released at the Gin Lake site, which is located approximately 25 km east of Bancroft and 8 km south of McArthur Mills, and the Cameron Lake Road site in the Lake of the Woods area.

MNR's hope is that self-sustaining populations of elk will be established in these areas. Many of the contributing non-governmental organizations and businesses are hunting clubs and hunting-based tourist operators. These groups hope that the elk population becomes large enough to support sport hunting.

Public Participation and *EBR* Process:

Both proposals were posted on the Environmental Registry with a comment period of 30 days. The Registry postings included web links to information on the provincial plan and on the pilot

release project in 1998, but no online information other than the postings was available for either specific release proposal. Contact persons, with phone and fax numbers, were indicated on the postings. The postings indicated that the proposals were available for viewing at the appropriate MNR district office. Advertisements about the proposals were placed in several local newspapers. Public information meetings were also held.

For the Bancroft/North Hastings release proposal (PB9E3009), nine written comments were received in response to the *EBR* posting and the newspaper advertisements. Four commenters phoned MNR staff and their comments were summarized.

Six commenters stated that the area of release is not within the native range of elk, and that the proposal therefore involves the introduction of elk, not their restoration. MNR responded by noting that the Plan for the Restoration of Elk in Ontario reviewed the scientific literature on historical elk ranges in Ontario.

Some commenters were concerned about the effect of elk on deer populations. MNR prepared a review of the potential for competition between elk and deer in relation to the release proposal. The review found no evidence that deer populations would be harmed by the introduction of elk. As a result, MNR did not propose any changes to the proposal.

Five commenters were concerned about possible damage to private property, particularly property in agricultural use. MNR indicated that it had attempted to minimize the risk of such damage by selecting a release site within a large block of Crown land.

For the Lake of the Woods proposal (PB9E1017), two comments were received. One asked a number of questions about parasite and disease-testing procedures and potential impacts to the agricultural community. MNR addressed those concerns by letter, and no changes to the proposal appeared necessary to MNR.

The second comment, which responded to both the Lake of the Woods and Bancroft/North Hastings Registry postings, questioned the conservation value of the proposal, given uncertainty about whether elk historically ranged as far north in Ontario as the releases are occurring. As well, the second comment asked for further work to be done to evaluate the success of the Plan for the Restoration of Elk in Ontario, including a formal risk assessment. In response to that concern, MNR stated that it would not expand the Plan beyond the four locations where releases are currently occurring or are planned until monitoring and evaluation work is completed.

SEV:

MNR considered its SEV in making both decisions. For PB9E3009 (Bancroft/North Hastings), MNR viewed the proposal as being consistent with its objectives of conserving wildlife resources and protecting natural heritage. For PB9E1017 (Lake of the Woods), MNR viewed the proposal as being consistent with its goal of contributing to the environmental, social and economic well-being of Ontario.

Other Information:
Although MNR has scaled back the elk release project, at least temporarily, MNR and the Provincial Elk Restoration Advisory Committee (PERAC) continue to plan to release elk in the Blind River area. The Federation of Ontario Naturalists, which commented on these proposals, has stated that it will oppose further releases until a complete review of the project has been conducted.

ECO Comment:
MNR's consultation process, which included notices in newspapers and public meetings, appears to have been very thorough. The Registry postings included web links to useful background information on the Plan for the Restoration of Elk in Ontario.

Review of Posted Decision: Amendments to Regulation 828 made under the *Niagara Escarpment Planning and Development Act* (O. Reg. 48/99)

Decision Information:

Registry Number:	RB8E6005	Comment Period: 45 days
Proposal Notice:	April 17, 1998	Number of Comments: 5
Decision Notice:	March 31, 2000	Regulation Filed: February 3, 1999

Description:

MNR amended Regulation 828 made under the *Niagara Escarpment Planning and Development Act (NEPDA)* in order to streamline the approvals process for development permit applications. Under *NEPDA*, any person who wants to carry out development within an area of development control as designated under the Niagara Escarpment Plan must obtain a permit from the Niagara Escarpment Commission (NEC). However, the Minister of Natural Resources may exempt certain classes of development from this requirement. Regulation 48/99 increases the number of exemption classes from 19 to 32. New classes of development that are exempted from the requirement to obtain a development permit include:

- renovations and additions to homes that do not exceed certain limitations, such as additions less than $93m^2$ or changes to a roof where the height of the house does not exceed 7.5 metres;
- the cutting of trees on a lot greater than 0.8 hectares where no more than 10 per cent of the trees will be cut over a 10 year period;
- the repair or replacement of an existing underground storage tank.

Regulation 48/99 also clarifies definitions in Reg. 828 and makes a few administrative changes.

Implications of the Decision:

The escarpment is designated as a World Biosphere Reserve and shelters numerous and diverse animal and plant ecosystems. Nevertheless, MNR anticipates that these amendments will have a neutral impact on the environment. In the past, the types of development exempted under the new classes have usually been approved by the NEC and, according to MNR, have not generally had any significant impact on the environment.

The economic and social consequences of this decision are anticipated to be positive because the number of development projects that require a development permit will decrease. Thus, the number of applications that the NEC is required to process will be reduced, enabling staff to commit more time and resources to provincially and environmentally significant proposals and provide more timely decisions. Individuals wishing to carry out minor development within areas of development control will be relieved from the regulatory burden of obtaining a permit.

Public Participation and *EBR* Process:

Five comments were submitted in response to the proposal for this decision. Concern was expressed about the exemption provided for cutting of up to 10 per cent of all trees on a lot

greater than 0.8 hectares in size because it did not state a minimum time period over which the trees could be cut or require any advice from a responsible agency, forester or ecologist. Concern was also expressed about the proposed exemption for extensions to single dwellings, especially the omission of a size limit.

In response to these concerns, MNR did amend its proposal. In regard to the exemption for tree cutting, MNR limited the cutting of trees to 10 per cent of the trees over a ten-year period. The ministry also inserted a requirement that the cutting be done in accordance with a forest management plan recommended by MNR, a conservation authority, or a qualified forestry professional. Furthermore, MNR limited the exemption for extensions to single dwellings to those that are less than $93m^2$ (1000 square feet).

As a result of the amendments, property owners in the escarpment will have fewer opportunities for making objections or to be notified of activities occurring on nearby properties. In addition, the decision means that fewer development projects within the Niagara Escarpment Planning Area will be subject to public comment, appeals, reviews or investigations under the *EBR*, if MNR classifies development permits under *NEPDA* as instruments under the *EBR* when it finalizes its instrument classification regulation in the fall of 2000.

SEV:
MNR states that this decision seeks to improve the manner in which it protects and conserves the natural environment for the benefit of the people of Ontario and that there are no aspects of this decision that conflict with any provisions or commitment set out in the ministry's SEV. However, in its SEV consideration document, MNR does not explicitly link any aspects of this decision to specific principles set out in its SEV.

ECO Comment:
This decision demonstrates the importance of good public consultation. Public comments submitted in response to the proposal posted on the Registry informed MNR of a few deficiencies in the draft regulation. MNR made important changes to the regulation as a result. The public consultation on this regulation thus resulted in a better environmental decision being made.

A decision notice was not posted on this proposal until March 2000, a full year after the regulation was filed. MNR needs to move more quickly to post decision notices in a timely manner in order to keep the public informed and up to date.

Review of Posted Decision: Peche Island Provincial Park Deregulation and Disposition

Decision Information:
Registry Number: PB8E3017
Proposal Notice: August 7, 1998
Decision Notice: February 2, 1999
Comment period: 45 days
Comments received: 64

Description:
The Ministry of Natural Resources decided to deregulate and dispose of Peche Island Provincial Park, and to continue its efforts to negotiate the sale of the property to the City of Windsor. The park is located at the confluence of the Detroit River and Lake St. Clair, in the City of Windsor, and includes four land parcels, including a 43+\- hectare island, a 101+\- water lot and two associated mainland parcels of 2.3 and 0.3 hectares.

MNR said that it had acquired the land in 1971, but had always maintained that it had purchased the land as an interim measure pending a local ownership solution. MNR said that the property has been a fiscal drain disproportionate to its value within the Ontario Provincial Parks System, since it has no provincially significant natural heritage values, with the possible exception of the wetland associated with the island.

Implications of Decision:
It was not clear from the notice whether MNR would have sold the land to another party, if the negotiations with the City of Windsor fell through. MNR made its decision that it was going to deregulate and dispose of the park, and that future development of the lands would be subject to municipal planning control.

After this decision was posted, MNR did complete the sale of Peche Island Provincial Park to the City of Windsor for $1.3 million. The City of Windsor officially took over Peche Island on November 1, 1999. The mayor said at that time that the island would be left in its present natural state, but the mainland portion would be sold as residential building lots to try to recoup the purchase price.

Public Participation and *EBR* Process:
MNR said that most of the 64 comments received were supportive of the proposal, as long as the island remained in some form of protected status through public ownership by the City of Windsor.

To sell Peche Island Provincial Park, MNR needed a major amendment to the ministry's land use plan for the area, and a new regulation deregulating the park under the *Provincial Parks Act*. In accordance with guidance issued by the ECO to MNR in July 1997, MNR was only required to post notice of the policy proposal on the Environmental Registry, and was not required to post notice of the regulation.

MNR also had to meet the requirements of its Park Management Policies and its exemption order under the *Environmental Assessment Act*. MNR met the public consultation requirements of all of these processes through a 45-day posting on the Environmental Registry, and other public notice. In addition to the *EBR* notice, MNR mailed nearly 200 notices to local residents, stakeholders, and other interested persons; posted notices on the site; and placed notice in local newspapers. The final decision was communicated through a decision notice on the Environmental Registry and a notice mailed directly to all persons who contributed to the planning process.

SEV:
The ministry considered its SEV in a comprehensive briefing note.

MNR's SEV contains an objective "to protect natural heritage and biological features of provincial significance." The ministry concluded that there were no aspects of this proposal which conflict with any provisions or commitments set out in its SEV, "given...the absence of provincially significant natural heritage values associated with the island." But MNR was not sure of this; in both the SEV briefing note and the proposal notice, MNR stated "the property has no provincially significant natural heritage values, with the possible exception of the wetland associated with the island. It may be as high as Class 3 but this has not been verified by standard assessment" (of the seven classes of wetlands, Classes 1 to 3 are designated as provincially significant). MNR carried out an assessment of scientific background documents and information to reaffirm the status of provincially significant natural heritage values, but did not carry out an assessment of the wetland to determine whether it was provincially significant.

MNR said that the City of Windsor, in partnership with the Essex Region Conservation Authority and supported by Ontario Parks, developed an "environmental evaluation report" to determine what portions of the park's land base would potentially be available for development and under what constraints. That report titled "Peche Island – Opportunities, Constraints and Management Guidelines" was approved by City Council in January 1997.

MNR decided to dispose of the Provincial Park whether or not the wetland was provincially significant. There were no conditions attached to the sale to require the City of Windsor to keep the wetland protected, and MNR concluded that future development of the land would be determined through the municipal land use planning process.

Other Information:
N/A

ECO Comment:
MNR carried out a thorough public consultation, exceeding the minimum requirements of the *EBR*.

MNR staff probably should have carried out its standard wetlands evaluation to assess whether

or not the wetland was provincially significant, to ensure that its decision was consistent with the SEV commitment to protect provincially significant natural areas. Fortunately, the City of Windsor has committed to maintaining the island, including the wetland, in its natural state. MNR, in deregulating and disposing of other parks, should ensure that provincially significant natural areas remain protected.

Review of Posted Decision: Amendment to O. Reg. 278/87 - Restricted Area Order for Lake Shebandowan (O. Reg. 418/99)

Decision Information:
Ministry: Natural Resources
Registry Number: RB8E1003
Proposal Notice: May 21, 1998
Decision Notice: September 24, 1999
Comment Period: 30 days
Number of Comments: 0
Regulation Filed: August 19, 1999

Description:
Lake Shebandowan is a popular recreational lake located 100 kilometres west of Thunder Bay. This regulation reduces the area in close proximity to the lake that is subject to development control. The lake and surrounding area support resource-based activities such as hunting, trapping, logging, mining and fishing. The upper basin of the lake supports a lake trout population and the lower basin supports a population of walleye.

In the 1960s a Restricted Area Order (RAO) was issued for the Shebandowan area through a regulation made under section 13 of the *Public Lands Act*. The Order was originally issued to protect the lake from residential development that was anticipated to occur as a result of a mine being established in the area. However, this community never developed to the extent that was anticipated. As a result, a new management plan for Lake Shebandowan was developed between 1991-95 with public consultation and was approved in 1996. It recommended that the border of the area subject to the RAO be reduced from a distance of up to 1.6 kilometres from the shoreline to a distance of 300 metres around the lake's perimeter. This regulation implements the management plan.

Implications of the Decision:
MNR states that this decision and the lake management plan will ensure that the long term health of Lake Shebandowan and its native lake trout fishery are protected and conserved. In the absence of municipal organization, an Order issued under the *Public Lands Act* is the only means through which controls on development can be instituted where a conflict with MNR's policies and/or programs is expected to occur.

MNR anticipates that the environmental impacts of this decision will be neutral because the Order will continue to prevent development from occurring in sensitive areas. The social consequences will be positive because there will be a significant reduction in the amount of private property which is subject to development control. Finally, the economic consequences will be positive because landowners will be able to proceed with new developments and improvements in areas outside of the development control area.

Public Participation and *EBR* Process:
There were no comments on this regulation.

During the development of the management plan (1991 to 1995), the public was consulted and advice was obtained through a planning committee comprised of local residents, lake users, and government agencies. Prior to the approval of the plan, MNR held two open houses in 1995. Public response to the plan and the proposed change in the size of the RAO was favourable.

SEV:

MNR states that this decision serves three policy principles set out in its SEV:

- sustainable development: the plan contains integrated objectives and strategies;
- limits to the development of natural resources: development in the upper basins of the lake will be minimized in order to preserve fish habitat;
- people must have a voice: the ministry will maintain an ongoing liaison with lake users via the lake advisory committee.

This regulation does not appear to conflict with any MNR SEV commitments.

Other Information:

MNR closed the lake trout fishery on Lake Shebandowan in August 1999. In the opinion of MNR and the Lake Shebandowan Advisory Committee, that lake trout population is very small and that for the foreseeable future, allowing angling of lake trout to continue would seriously compromise the ecological sustainability of the population. MNR placed an information notice on the Environmental Registry to inform the public of this decision in June 1999 - Registry Number PB9E1012.

ECO Comment:

MNR has met all of its *EBR* requirements by placing notice of this regulation on the Environmental Registry. The public had two opportunities to participate in the development of the plan: once during the planning phase (1991 to 1995) and again when the regulation was implemented. Furthermore, the management of Lake Shebandowan is overseen by a planning committee that includes members of the public. In this case, MNR has fulfilled its commitment to openness and consultation in decision-making which may significantly affect the environment. Assuming that it is enforced effectively, the management plan should ensure that local development does not impair the long-term health of Lake Shebandowan.

Review of Posted Decision: Amendment to the Fort Frances District Land Use Guidelines to facilitate the de-regulation of the mainland portion of Lake of the Woods Provincial Park: Assabaska Shoreline Issue

Decision Information:
Registry Number: PB7E1003
Proposal Notice: June 18, 1997
Decision Notice: March 2, 2000
Comment Period: 80 + 45 days
Number of Comments: 55
Policy Implemented: February 18, 2000

Description:
This proposal arose from land claim negotiations between the federal government, the Province of Ontario and the Assabaska First Nations of Mishkosiimiiniiiibing (Big Grassy First Nation) and the Ojibways of Onegaming First Nation, over a land claim filed in 1977. One of the issues in this negotiation was the claim to the Assabaska Shoreline. In 1996, the negotiators reached a proposed settlement. Ontario had a number of concerns with this settlement, which were addressed in a clarification signed by the parties in 1997. The draft settlement included a proposal that Ontario transfer the mainland portion of Lake of the Woods Provincial Park to Canada so that these lands would become a reserve for the First Nations. Likewise, the First Nations would transfer to Ontario their interest in the portion of the Assabaska Shoreline Reserve not included in the park. For Ontario to make this transfer, MNR must amend its Fort Frances District Land Use Guidelines (DLUG) to allow a portion of the park to be deregulated. The land claim agreement was conditional on the public being consulted about the proposed deregulation of the mainland portion of the park.

The First Nations will continue to provide park services to the public as long as this is economically viable. Only the mainland portion of Lake of the Woods Provincial Park is being transferred; 90 per cent of the existing park is made up of islands which will remain in the park and under provincial jurisdiction. The Registry notice states that these islands "comprise a significant portion of the natural heritage values of the park" and that, in relation to the land transferred, "the First Nations would continue to provide park services to the public, as long as it is economically viable to do so, and will protect its cultural values." The Registry notice set out the existing and proposed wording for the relevant sections of the DLUG.

This Registry notice describes all actions required to accomplish the deregulation. In order to amend the Fort Frances DLUG, MNR will amend the legal description for Lake of the Woods Provincial Park, which is set out by regulation.

Implications of the Decision:
There do not appear to be negative environmental impacts as a result of this decision. It is likely that the transferred land will continue to be maintained as a park by the First Nations groups that have expressed a commitment to environmental protection.

Public Participation and *EBR* Process:
This proposal was initially posted on the Registry on June 18, 1997 for a comment period of 80 days. From June 12, 1997 to August 11, 1997, MNR also conducted supplementary public consultation that included newspaper advertisements for open houses; a newsletter mailed to 350 local residents and other stakeholders; three open houses in different communities; and a focus group. During this period, 54 comments were received. The proposal was then re-posted on November 27, 1997, for an additional comment period of 45 days. During this period, a second newsletter was distributed which summarized and responded to the comments already received. Only one comment was received during this second comment period. The proposal notice was posted again on May 5, 1999, to update information about the proposal, and a decision notice appeared on the Registry on March 2, 2000.

Because of the large number of comments on this proposal, the ECO did not review each comment separately, but relied on the summaries provided to the public in "Newsletter #2 on the Assabaska Shoreline Issue." This newsletter summarized the comments that had been received, and responded to them. Many of the comments concerned issues such as the elements of the settlement agreement, certainty in relation to the settlement agreement, compensation to the municipality for lost revenue and the public consultation process. The Registry decision notice noted that 20 respondents did not comment specifically on the amendment of the Fort Frances DLUG.

However, other commenters did address the proposal to amend of the DLUG. According to the decision notice, 14 commenters supported this proposal while 11 were opposed to it. The decision notice also noted that another seven commenters supported the proposal, but "requested the southern boundary of the park be established at the north shore of the Little Grassy River so that they would continue to be able to navigate through the river to Lake of the Woods." Also, two commenters noted that snowmobilers must use the north shore of Little Grassy River to avoid unsafe ice at the mouth of the river. In response to concerns that the Little Grassy River continue to be available to the public for snowmobiling, provisions were made in the final settlement agreement to ensure that the public can by-pass unsafe ice conditions between Lake of the Woods and Little Grassy River by snowmobile. In response to concerns that the Little Grassy River continue to be available to the public for navigation, fishing and recreation, the proposed settlement includes provisions that guarantee the following in relation to transferred lands under waters: the public right of navigation; use for sport fishing and other recreational activities; access to the Little Grassy River for owners of land abutting the river; and water quality standards that are no less stringent than provincial standards.

Some commenters questioned the First Nations' future plans for the park. In response, it was noted that ensuring the protection and conservation of the natural habitat forms the basis of the First Nations' Park Business Plan, and that it is fundamental to Anishinaabe teachings and traditions to take care of lands, waters and all life as a gift from the Creator.

According to the decision notice, the "one comment received during the second phase of

consultation questioned the decision to include a portion of the bed of the Little Grassy River in the agreement." MNR offered no response to this comment in the decision notice because this issue was addressed in the conditions agreed to previously.

SEV:

In considering its SEV, MNR stated that this proposal was not initiated with the intention of complementing or furthering MNR's SEV goals and objectives, but to "achieve a fair and workable settlement to the Assabaska Shoreline Claim." MNR notes that there is "no indication that any developments the First Nations intend to locate in the proposed reserve would have any negative impacts on the remaining park lands," and that the Park Business Plan ensures the protection and conservation of the natural habitat. MNR asserts that the proposal does not conflict with MNR's SEV. The ECO believes that the proposal is consistent with MNR's SEV.

ECO Comment:

MNR should be commended for its extensive consultation process and its use of the Registry to complement this consultation process. MNR placed notice of both phases of consultation on the Registry with lengthy comment periods, and supplemented this with newspaper advertisements, public meetings and newsletters.

S5 Undecided Proposals

As required by Section 58(c) of the *EBR*, the following are the proposals posted on the Environmental Registry between January 1, 1999 and March 31, 2000 which were not decided by September 25, 2000.

A) Policies, Acts and Regulations

1. EBR Registry Number: "RF9E0001" Type of Posting: "Regulation" Status: "Proposal"
Abstract: Regulation to prescribe s. 29 (1) (a) and s. 34 of the Building Code Act, 1992 under the Environmental Bill of Rights. - 02/19/1999

2. EBR Registry Number: "RF9E0002" Type of Posting: "Regulation" Status: "Proposal"
Abstract: Classification of proposals for instruments under the Building Code Act, 1992. - 02/19/1999

3. EBR Registry Number: "PB9E6003" Type of Posting: "Policy" Status: "Proposal"
Abstract: Development Application Review Manual. - 03/05/1999

4. EBR Registry Number: "RA9E0002" Type of Posting: "Regulation" Status: "Proposal"
Abstract: H. Dodge Haulage Ltd., Designation under the Environmental Assessment Act for a landfill site. - 03/05/1999

5. EBR Registry Number: "PB9E6005" Type of Posting: "Policy" Status: "Proposal"
Abstract: 1999 Prescribed Burns. - 03/11/1999

6. EBR Registry Number: "PB8E3009" Type of Posting: "Policy" Status: "Proposal"
Abstract: Beattie (Alliston) Pinery Provincial Nature Reserve Management Plan - Review of preliminary management plan. - 03/16/1999

7. EBR Registry Number: "PB8E3010" Type of Posting: "Policy" Status: "Proposal"
Abstract: Hockley Valley Provincial Nature Reserve Management Plan - Review of preliminary management plan. - 03/16/1999

8. EBR Registry Number: "PB8E3011" Type of Posting: "Policy" Status: "Proposal"
Abstract: Morris Tract Provincial Nature Reserve Management Plan - Review of preliminary management plan. - 03/23/1999

9. EBR Registry Number: "PB9E5001" Type of Posting: "Policy" Status: "Proposal"
Abstract: District/Great Lake Management Unit/Park Compliance Strategies for the five-year period April 1, 1999 to March 31, 2004: 25 of 29 strategies. - 03/31/1999

10. EBR Registry Number: "PB8E3022" Type of Posting: "Policy" Status: "Proposal"
Abstract: Eastern Habitat Joint Venture (EHJV): restoration of waterfowl habitat in the vicinity of the eastern shoreline of Lake St. Clair. - 04/22/1999

11. EBR Registry Number: "PB8E3003" Type of Posting: "Policy" Status: "Proposal"
Abstract: Madawaska River Water Management Review - Review of "Issues/Concerns/Solutions" Document. - 05/05/1999

12. EBR Registry Number: "PB5E4003" Type of Posting: "Policy" Status: "Proposal"
Abstract: Presqu'ile Provincial Park Management Plan - Review of preliminary management plan. - 06/23/1999

13. EBR Registry Number: "PB9E6007" Type of Posting: "Policy" Status: "Proposal"
Abstract: Policies and procedures on wildlife in captivity under the Fish and Wildlife Conservation Act (FWCA) and regulations. - 08/03/1999

14. EBR Registry Number: "PB9E6008" Type of Posting: "Policy" Status: "Proposal"
Abstract: Policies and procedures on the purchase, sale and disposition of wildlife under the Fish and Wildlife Conservation Act (FWCA) and regulations. - 08/03/1999

15. EBR Registry Number: "PB9E6009" Type of Posting: "Policy" Status: "Proposal"
Abstract: Policies and procedures on trapping under the Fish and Wildlife Conservation Act (FWCA) and regulations. - 08/03/1999

16. EBR Registry Number: "RD9E1001" Type of Posting: "Regulation" Status: "Proposal"
Abstract: The Mining Act's Part VII Regulation and Mine Rehabilitation Code. - 08/17/1999

17. EBR Registry Number: "PB9E6012" Type of Posting: "Policy" Status: "Proposal"
Abstract: Policies and procedures on authorization to release wildlife, and protocol to be followed when an unauthorized release or escape of farmed animals occurs, under the Fish and Wildlife Conservation Act (FWCA). - 08/23/1999

18. EBR Registry Number: "PB8E3013" Type of Posting: "Policy" Status: "Proposal"
Abstract: Ojibway Prairie Provincial Nature Reserve Management Plan - Review of preliminary management plan. - 08/25/1999

19. EBR Registry Number: "PB9E3001" Type of Posting: "Policy" Status: "Proposal"
Abstract: Pilot project to rehabilitate ring-necked pheasants in MNR Aylmer District. - 08/31/1999

20. EBR Registry Number: "RB9E6010" Type of Posting: "Regulation" Status: "Proposal"
Abstract: Amendment to Regulation 952 (General), R.R.O. 1990, made under the Provincial Parks Act: commercial leases in Algonquin Park. - 09/09/1999

21. EBR Registry Number: "PA9E0005" Type of Posting: "Policy" Status: "Proposal"
Abstract: NOx Emission Limits for New, Large Boilers/Heaters. - 09/22/1999

22. EBR Registry Number: "PB9E3010" Type of Posting: "Policy" Status: "Proposal"
Abstract: Algonquin Provincial Park: North/East Study - Background Information and Options Report. - 09/24/1999

23. EBR Registry Number: "PA9E0010" Type of Posting: "Policy" Status: "Proposal"
Abstract: Proposed Adoption of Canadian Water Quality Guidelines for Six Pesticides as Provincial Water Quality Objectives and Interim Provincial Water Quality Objectives. - 10/01/1999

24. EBR Registry Number: "PA9E0009" Type of Posting: "Policy" Status: "Proposal"
Abstract: Proposed Adoption of Canadian Water Quality Guidelines for Two Chlorobenzenes as Interim Provincial Water Quality Objectives. - 10/01/1999

25. EBR Registry Number: "RA9E0007" Type of Posting: "Regulation" Status: "Proposal"
Abstract: Ontario Power Generation Inc. and its subsidiaries (OPG) and Ontario Hydro Services Company Inc. and its subsidiaries (OHSC); Mattagami River Hydroelectric Generating Station Extensions EA, Declaration Order Request under the Environmental Assessment Act. - 10/05/1999

26. EBR Registry Number: "PB9E2012" Type of Posting: "Policy" Status: "Proposal"
Abstract: Canadian Heritage Rivers System: Management Strategy for the La Vase Portages-Mattawa River. - 10/26/1999

27. EBR Registry Number: "PB9E3011" Type of Posting: "Policy" Status: "Proposal"
Abstract: Amendment to Parry Sound District Land Use Guidelines (DLUG) to permit the sale of existing Crown land cottage lots on Kawigamog Lake, Blair Township, Territorial District of Parry Sound. - 11/03/1999

28. EBR Registry Number: "PB9E3012" Type of Posting: "Policy" Status: "Proposal"
Abstract: Amendment to Bracebridge District Land Use Guidelines (DLUG) to permit the sale of existing Crown land cottage lots on four lakes in the Municipality of the Townships of Sherborne, McClintock, Livingstone, Lawrence and Nightingale, County of Haliburton. - 11/03/1999

29. EBR Registry Number: "RB9E3003" Type of Posting: "Regulation" Status: "Proposal"
Abstract: Boundary correction to Clear Lake Conservation Reserve: amendment to Ontario Regulation 805/94 (Conservation Reserve) made under the Public Lands Act. - 11/04/1999

30. EBR Registry Number: "PA9E0012" Type of Posting: "Policy" Status: "Proposal"
Abstract: Stormwater Management Planning and Design Manual. - 11/26/1999

31. EBR Registry Number: "PA9E0013" Type of Posting: "Policy" Status: "Proposal"
Abstract: Proposal to adopt Canada-wide Standards for Mercury. - 12/01/1999

32. EBR Registry Number: "PA9E0014" Type of Posting: "Policy" Status: "Proposal"
Abstract: Proposal to adopt a Canada-wide Standard for Benzene. - 12/01/1999

33. EBR Registry Number: "PA9E0015" Type of Posting: "Policy" Status: "Proposal"
Abstract: Proposal to adopt Canada-wide Standards for Particulate Matter and Ozone. - 12/01/1999

34. EBR Registry Number: "RB9E6015" Type of Posting: "Regulation" Status: "Proposal"
Abstract: Townhouse development (Town of Ancaster): amendment to Regulation 826 of the Revised Regulations of Ontario, 1990, as amended, made under the Niagara Escarpment Planning and Development Act - removal of Development Control Area. - 12/07/1999

35. EBR Registry Number: "PB9E7001" Type of Posting: "Policy" Status: "Proposal"
Abstract: Defining a Clearcut - a technical note providing interim direction to forest management planning teams with regard to criteria used to define (i.e., map) the boundaries of forest disturbances, including clearcuts. - 12/22/1999

36. EBR Registry Number: "PB00E3001" Type of Posting: "Policy" Status: "Proposal"
Abstract: Bonnechere River Watershed Project. - 01/12/2000

37. EBR Registry Number: "RA00E0004" Type of Posting: "Regulation" Status: "Proposal"
Abstract: Emission Limits for Ontario's Electricity Generators and Other Major Sources. - 01/24/2000

38. EBR Registry Number: "RA00E0002" Type of Posting: "Regulation" Status: "Proposal"
Abstract: Regulatory Improvements for Hazardous Waste Management. - 02/03/2000

39. EBR Registry Number: "PA00E0003" Type of Posting: "Policy" Status: "Proposal"
Abstract: Rationale for the Development of Ontario Air Quality Standards for Ammonia. - 02/21/2000

40. EBR Registry Number: "PA00E0012" Type of Posting: "Policy" Status: "Proposal"
Abstract: Rationale for the Development of Ontario Air Quality Standards for Isopropyl Benzene. - 02/21/2000

41. EBR Registry Number: "PA00E0004" Type of Posting: "Policy" Status: "Proposal"
Abstract: Rationale for the Development of Ontario Air Quality Standards for Acrylonitrile. - 02/21/2000

42. EBR Registry Number: "PA00E0013" Type of Posting: "Policy" Status: "Proposal"
Abstract: Rationale for the Development of Ontario Air Quality Standards for Methanol. - 02/21/2000

43. EBR Registry Number: "PA00E0014" Type of Posting: "Policy" Status: "Proposal"
Abstract: Rationale for the Development of Ontario Air Quality Standards for Methylethyl Ketone. - 02/21/2000

44. EBR Registry Number: "PA00E0015" Type of Posting: "Policy" Status: "Proposal"
Abstract: Rationale for the Development of Ontario Air Quality Standards for Methylisobutyl Ketone. - 02/21/2000

45. EBR Registry Number: "PA00E0016" Type of Posting: "Policy" Status: "Proposal"
Abstract: Rationale for the Development of Ontario Air Quality Standards for Mineral Spirits. - 02/21/2000

46. EBR Registry Number: "PA00E0005" Type of Posting: "Policy" Status: "Proposal"
Abstract: Rationale for the Development of Ontario Air Quality Standards for Chlorine. - 02/21/2000

47. EBR Registry Number: "PA00E0006" Type of Posting: "Policy" Status: "Proposal"
Abstract: Rationale for the Development of Ontario Air Quality Standards for Chloroform. - 02/21/2000

48. EBR Registry Number: "PA00E0007" Type of Posting: "Policy" Status: "Proposal"
Abstract: Rationale for the Development of Ontario Air Quality Standards for Ethyl Benzene. - 02/21/2000

49. EBR Registry Number: "PA00E0008" Type of Posting: "Policy" Status: "Proposal"
Abstract: Rationale for the Development of Ontario Air Quality Standards for Ethyl Ether. - 02/21/2000

50. EBR Registry Number: "PA00E0017" Type of Posting: "Policy" Status: "Proposal"
Abstract: Rationale for the Development of Ontario Air Quality Standards for Propylene Oxide. - 02/21/2000

51. EBR Registry Number: "PA00E0018" Type of Posting: "Policy" Status: "Proposal"
Abstract: Rationale for the Development of Ontario Air Quality Standards for Toluene. - 02/21/2000

52. EBR Registry Number: "PA00E0019" Type of Posting: "Policy" Status: "Proposal"
Abstract: Rationale for the Development of Ontario Air Quality Standards for Vinylidene Chloride. - 02/21/2000

53. EBR Registry Number: "PA00E0020" Type of Posting: "Policy" Status: "Proposal"
Abstract: Rationale for the Development of Ontario Air Quality Standards for Xylene. - 02/21/2000

54. EBR Registry Number: "PA00E0009" Type of Posting: "Policy" Status: "Proposal"
Abstract: Rationale for the Development of Ontario Air Quality Standards for n-Heptane. - 02/21/2000

55. EBR Registry Number: "PA00E0011" Type of Posting: "Policy" Status: "Proposal"
Abstract: Rationale for the Development of Ontario Air Quality Standards for n-Hexane. - 02/21/2000

56. EBR Registry Number: "PA00E0010" Type of Posting: "Policy" Status: "Proposal"
Abstract: Rationale for the Development of Ontario Air Quality Standards for Hydrogen Chloride. - 02/21/2000

57. EBR Registry Number: "RA00E0006" Type of Posting: "Regulation" Status: "Proposal"
Abstract: Conservation Ontario, Declaration Order under the Environmental Assessment Act (EAA) for the Association of Conservation Authorities of Ontario Class Environmental Assessment for Remedial Flood and Erosion Control Projects (Class EA). - 02/29/2000

58. EBR Registry Number: "PB00E6004" Type of Posting: "Policy" Status: "Proposal"
Abstract: 2000 Prescribed Burns. - 03/03/2000

59. EBR Registry Number: "AD00E2001" Type of Posting: "Act" Status: "Proposal"
Abstract: Self-Regulation of Ontario Geoscientists. - 03/07/2000

60. EBR Registry Number: "PB00E6005" Type of Posting: "Policy" Status: "Proposal"
Abstract: Significant Wildlife Habitat Technical Guide. - 03/14/2000

61. EBR Registry Number: "RA00E0007" Type of Posting: "Regulation" Status: "Proposal"
Abstract: Mid-Canada Radar Site Clean-up at Fort Albany. - 03/16/2000

62. EBR Registry Number: "PB00E6001" Type of Posting: "Policy" Status: "Proposal"
Abstract: Policies and procedures on aquaculture under the Fish and Wildlife Conservation Act (FWCA) and regulations. - 03/20/200

63. EBR Registry Number: "RA00E0008" Type of Posting: "Regulation" Status: "Proposal"
Abstract: Amendment to Ontario Regulation 681/94 - Classified Instruments for Pesticides. - 03/31/2000

64. EBR Registry Number: "PB9E6013" Type of Posting: "Policy" Status: "Proposal"
Abstract: Class Environmental Assessment for Ontario's Provincial Parks and Conservation Reserves - Review of Annotated Table of Contents (originally posted 11/23/1999). - 09/11/2000

65. EBR Registry Number: "PB9E1018" Type of Posting: "Policy" Status: "Proposal"
Abstract: Shoal Lake Watershed Plan - Review of revised goals and objectives, and proposed management strategies (originally posted 1/24/2000). - 09/08/2000

B) Instruments

1. EBR Registry Number: "IA9E0003" Type of Posting: "Instrument" Status: "Proposal" Abstract: Honda of Canada Mfg. Approval for discharge into the natural environment other than water (i.e. Air). - 01/05/1999

2. EBR Registry Number: "IA9E0011" Type of Posting: "Instrument" Status: "Proposal" Abstract: Royal Oak Mines Ltd. Permit to take water. - 01/06/1999

3. EBR Registry Number: "IA9E0016" Type of Posting: "Instrument" Status: "Proposal" Abstract: 582492 Ontario Inc., Ken Timson Auto Body Ltd. Approval for discharge into the natural environment other than water (i.e. Air). - 01/07/1999

4. EBR Registry Number: "IA9E0023" Type of Posting: "Instrument" Status: "Proposal" Abstract: Nitrex Metal Technologies Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 01/08/1999

5. EBR Registry Number: "IA9E0029" Type of Posting: "Instrument" Status: "Proposal" Abstract: John Bayus Park Limited Permit to take water. - 01/11/1999

6. EBR Registry Number: "IA9E0030" Type of Posting: "Instrument" Status: "Proposal" Abstract: John Bayus Park Limited Permit to take water. - 01/11/1999

7. EBR Registry Number: "IA9E0031" Type of Posting: "Instrument" Status: "Proposal" Abstract: John Bayus Park Limited Permit to take water. - 01/11/1999

8. EBR Registry Number: "IA9E0042" Type of Posting: "Instrument" Status: "Proposal" Abstract: Gibson Welding (425242 Ontario Inc.) Permit to take water. - 01/13/1999

9. EBR Registry Number: "ID8E1017" Type of Posting: "Instrument" Status: "Proposal" Abstract: INCO Ltd. Notice requiring a proponent to submit changes to a proposed closure plan. - 01/13/1999

10. EBR Registry Number: "ID8E1015" Type of Posting: "Instrument" Status: "Proposal" Abstract: Inco Limited Notice requiring a proponent to submit changes to a proposed closure plan. - 01/13/1999

11. EBR Registry Number: "ID8E1014" Type of Posting: "Instrument" Status: "Proposal" Abstract: Falconbridge Ltd. Notice requiring a proponent to submit changes to a proposed closure plan. - 01/13/1999

12. EBR Registry Number: "ID8E1016" Type of Posting: "Instrument" Status: "Proposal" Abstract: Falconbridge Limited Notice requiring a proponent to submit changes to a proposed closure plan. - 01/13/1999

13. EBR Registry Number: "ID8E1012" Type of Posting: "Instrument" Status: "Proposal" Abstract: Madsen Gold Corporation Notice requiring a proponent to submit changes to a proposed closure plan. - 01/13/1999

14. EBR Registry Number: "ID8E1013" Type of Posting: "Instrument" Status: "Proposal" Abstract: INCO Limited Notice requiring a proponent to submit changes to a proposed closure plan. - 01/13/1999

15. EBR Registry Number: "IA9E0048" Type of Posting: "Instrument" Status: "Proposal" Abstract: Bill Garcia Permit to take water. - 01/14/1999

16. EBR Registry Number: "IA9E0058" Type of Posting: "Instrument" Status: "Proposal" Abstract: The Lambton Motors Limited Approval for discharge into the natural environment other than water (i.e. Air). - 01/19/1999

17. EBR Registry Number: "IA9E0060" Type of Posting: "Instrument" Status: "Proposal" Abstract: Beaverdale Golf Club Permit to take water. - 01/19/1999

18. EBR Registry Number: "IA9E0062" Type of Posting: "Instrument" Status: "Proposal" Abstract: Placer Dome Canada Limited Permit to take water. - 01/19/1999

19. EBR Registry Number: "IA9E0070" Type of Posting: "Instrument" Status: "Proposal" Abstract: Flamborough Springs Inc. Permit to take water. - 01/19/1999

20. EBR Registry Number: "IA9E0068" Type of Posting: "Instrument" Status: "Proposal" Abstract: Credit Valley Conservation Authority Permit to take water. - 01/19/1999

21. EBR Registry Number: "IA9E0078" Type of Posting: "Instrument" Status: "Proposal" Abstract: Molson Breweries Limited Approval for discharge into the natural environment other than water (i.e. Air). - 01/20/1999

22. EBR Registry Number: "IA9E0079" Type of Posting: "Instrument" Status: "Proposal" Abstract: Steed and Evans Holdings Inc. (Pen Lakes) Permit to take water. - 01/20/1999

23. EBR Registry Number: "ID8E1018" Type of Posting: "Instrument" Status: "Proposal" Abstract: INCO Ltd. Notice requiring a proponent to submit changes to a proposed closure plan. - 01/20/1999

24. EBR Registry Number: "IA9E0083" Type of Posting: "Instrument" Status: "Proposal" Abstract: Steed and Evans Holdings Inc. (Pen Lakes) Permit to take water. - 01/21/1999

25. EBR Registry Number: "IA9E0085" Type of Posting: "Instrument" Status: "Proposal" Abstract: Kaufman Footwear, Div. of William H. Kaufman Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 01/21/1999

26. EBR Registry Number: "IA9E0099" Type of Posting: "Instrument" Status: "Proposal" Abstract: Arowhon Limited Order for preventative measures for facilities discharging into water. - 01/21/1999

27. EBR Registry Number: "IA9E0106" Type of Posting: "Instrument" Status: "Proposal" Abstract: Raymond Dufour Approval for a waste disposal site. - 01/22/1999

28. EBR Registry Number: "IA9E0109" Type of Posting: "Instrument" Status: "Proposal" Abstract: Crystal Springs Inc. Permit to take water. - 01/22/1999

29. EBR Registry Number: "IA9E0110" Type of Posting: "Instrument" Status: "Proposal" Abstract: Crown Cork & Seal Canada Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 01/25/1999

30. EBR Registry Number: "IA9E0111" Type of Posting: "Instrument" Status: "Proposal" Abstract: Weston Golf and Country Club Permit to take water. - 01/25/1999

31. EBR Registry Number: "IA9E0113" Type of Posting: "Instrument" Status: "Proposal" Abstract: Denis Mahoney Permit to take water. - 01/25/1999

32. EBR Registry Number: "IA9E0114" Type of Posting: "Instrument" Status: "Proposal" Abstract: Albright & Wilson Americas Ltd. Approval for discharge into the natural environment other than water (i.e. Air). - 01/27/1999

33. EBR Registry Number: "IA9E0123" Type of Posting: "Instrument" Status: "Proposal" Abstract: Pinnacle Waste Services Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 01/27/1999

34. EBR Registry Number: "IA9E0127" Type of Posting: "Instrument" Status: "Proposal" Abstract: Joseph L. Therrien, Joe's Furniture Stripping Approval for discharge into the natural environment other than water (i.e. Air). - 01/27/1999

35. EBR Registry Number: "IA9E0131" Type of Posting: "Instrument" Status: "Proposal" Abstract: Petro Canada Approval for sewage works. - 01/27/1999

36. EBR Registry Number: "IA9E0139" Type of Posting: "Instrument" Status: "Proposal" Abstract: Protek Paint Limited Approval for discharge into the natural environment other than water (i.e. Air). - 01/28/1999

37. EBR Registry Number: "IA9E0142" Type of Posting: "Instrument" Status: "Proposal" Abstract: Polytarp Products, Division of Alros Products Limited Approval for discharge into the natural environment other than water (i.e. Air). - 01/28/1999

38. EBR Registry Number: "IA9E0147" Type of Posting: "Instrument" Status: "Proposal" Abstract: INCO Limited Permit to take water. - 01/29/1999

39. EBR Registry Number: "IA9E0151" Type of Posting: "Instrument" Status: "Proposal" Abstract: Conwood Resources Management Inc. Approval for a waste disposal site. - 02/02/1999

40. EBR Registry Number: "IA9E0159" Type of Posting: "Instrument" Status: "Proposal" Abstract: Greif Containers Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 02/04/1999

41. EBR Registry Number: "IA9E0169" Type of Posting: "Instrument" Status: "Proposal" Abstract: St. Andrew's East Golf & Country Club Permit to take water. - 02/08/1999

42. EBR Registry Number: "IA9E0177" Type of Posting: "Instrument" Status: "Proposal" Abstract: Guelph Lakes Golf & Country Club Permit to take water. - 02/09/1999

43. EBR Registry Number: "IA9E0184" Type of Posting: "Instrument" Status: "Proposal" Abstract: Fred Moerschfelder Permit to take water. - 02/09/1999

44. EBR Registry Number: "IA9E0190" Type of Posting: "Instrument" Status: "Proposal"
Abstract: I.G. Machine & Fibers Limited Approval for discharge into the natural environment other than water (i.e. Air). - 02/10/1999

45. EBR Registry Number: "IA9E0244" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Blenheim Golf Club Permit to take water. - 02/22/1999

46. EBR Registry Number: "IA9E0204" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Moose Mountain Fisheries Permit to take water. - 02/22/1999

47. EBR Registry Number: "IA9E0195" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Bayview Country Club Limited Permit to take water. - 02/22/1999

48. EBR Registry Number: "IA9E0221" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Tom Russell Approval for a waste disposal site. - 02/22/1999

49. EBR Registry Number: "IA9E0233" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Maple City Country Club Permit to take water. - 02/22/1999

50. EBR Registry Number: "IA9E0214" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Canadian Waste Services Inc. Approval for a waste disposal site. - 02/22/1999

51. EBR Registry Number: "IA9E0194" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Union Gas Limited Approval for discharge into the natural environment other than water (i.e. Air). - 02/22/1999

52. EBR Registry Number: "IA9E0208" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Century Heating, Division of Atlantic Pools Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 02/22/1999

53. EBR Registry Number: "IA9E0227" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Ducks Unlimited Canada Permit to take water. - 02/22/1999

54. EBR Registry Number: "IA9E0203" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Agrium Products Inc. Permit to take water. - 02/23/1999

55. EBR Registry Number: "IA9E0245" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Agriculture and Agri-Food Canada Approval for discharge into the natural environment other than water (i.e. Air). - 02/23/1999

56. EBR Registry Number: "IA9E0247" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Cayuga Materials & Construction Co. Ltd. Approval for discharge into the natural environment other than water (i.e. Air). - 02/23/1999

57. EBR Registry Number: "IA9E0248" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Agriculture and Agri-Food Canada Approval for discharge into the natural environment other than water (i.e. Air). - 02/23/1999

58. EBR Registry Number: "IA9E0260" Type of Posting: "Instrument" Status: "Proposal"
Abstract: 925252 Ontario Ltd Approval for a waste disposal site. - 02/25/1999

59. EBR Registry Number: "IA9E0261" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Harbour Remediation & Transfer Inc. Approval for a waste disposal site. - 02/25/1999

60. EBR Registry Number: "IA9E0264" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Trent Severn Power Corp. c/o Cumming Cockburn Ltd. Permit to take water. - 02/25/1999

61. EBR Registry Number: "IA9E0265" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Kapush Gravel Basin Inc. Approval for a waste disposal site. - 02/25/1999

62. EBR Registry Number: "IA9E0269" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Cravo Equipment Limited Approval for discharge into the natural environment other than water (i.e. Air). - 03/01/1999

63. EBR Registry Number: "IA9E0270" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Bauer Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 03/01/1999

64. EBR Registry Number: "IA9E0301" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Canadian Soil Remediation Services Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 03/09/1999

65. EBR Registry Number: "IA9E0302" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Fritz & Paul Klaesi Permit to take water. - 03/09/1999

66. EBR Registry Number: "IA9E0304" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Protectolite Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 03/10/1999

67. EBR Registry Number: "IA9E0309" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Andritz Limited, DRT Service Centre Approval for discharge into the natural environment other than water (i.e. Air). - 03/10/1999

68. EBR Registry Number: "IA9E0312" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Olav Vaavaldsrud Timber Co. Ltd. Approval for a waste disposal site. - 03/10/1999

69. EBR Registry Number: "IA9E0313" Type of Posting: "Instrument" Status: "Proposal"
Abstract: MID Ontario Disposal Doug Roe Ent. Inc. Approval for a waste disposal site. - 03/10/1999

70. EBR Registry Number: "IA9E0317" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Philip Enterprises Inc. Approval for a waste disposal site. - 03/11/1999

71. EBR Registry Number: "IA9E0322" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Diamond Aircraft Industries Approval for discharge into the natural environment other than water (i.e. Air). - 03/11/1999

72. EBR Registry Number: "IA9E0327" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Drain-All Drain & Sewer Cleaning Service Approval for discharge into the natural environment other than water (i.e. Air). - 03/12/1999

73. EBR Registry Number: "IA9E0334" Type of Posting: "Instrument" Status: "Proposal" Abstract: Lambton Protective Coatings Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 03/15/1999

74. EBR Registry Number: "IA9E0325" Type of Posting: "Instrument" Status: "Proposal" Abstract: Gallaher Thorold Paper Company Direction for maintaining sewage works. - 03/16/1999

75. EBR Registry Number: "IA9E0341" Type of Posting: "Instrument" Status: "Proposal" Abstract: J.D.J. Trailer Mfg. Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 03/16/1999

76. EBR Registry Number: "IA9E0347" Type of Posting: "Instrument" Status: "Proposal" Abstract: Ron Klages Permit to take water. - 03/17/1999

77. EBR Registry Number: "IA9E0356" Type of Posting: "Instrument" Status: "Proposal" Abstract: Georgian Aggregates & Construction Inc. Permit to take water. - 03/17/1999

78. EBR Registry Number: "IA9E0357" Type of Posting: "Instrument" Status: "Proposal" Abstract: Spruce Haven Acres Ent. Permit to take water. - 03/17/1999

79. EBR Registry Number: "IA9E0366" Type of Posting: "Instrument" Status: "Proposal" Abstract: Aime and Rosa Jacques Permit to take water. - 03/18/1999

80. EBR Registry Number: "IA9E0367" Type of Posting: "Instrument" Status: "Proposal" Abstract: B & L Metal Products (Elmira) Ltd. Approval for discharge into the natural environment other than water (i.e. Air). - 03/18/1999

81. EBR Registry Number: "IA9E0368" Type of Posting: "Instrument" Status: "Proposal" Abstract: Elettra Technology Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 03/18/1999

82. EBR Registry Number: "IA9E0377" Type of Posting: "Instrument" Status: "Proposal" Abstract: Cambridge Golf & Country Club Permit to take water. - 03/19/1999

83. EBR Registry Number: "IA9E0381" Type of Posting: "Instrument" Status: "Proposal" Abstract: Allied Signal Canada Inc. - Chemical Approval for a waste disposal site. - 03/22/1999

84. EBR Registry Number: "ID9E1001" Type of Posting: "Instrument" Status: "Proposal" Abstract: Royal Oak Mines Ltd. Notice requiring a proponent to submit changes to a proposed closure plan. - 03/23/1999

85. EBR Registry Number: "ID9E1002" Type of Posting: "Instrument" Status: "Proposal" Abstract: Kinross Gold Corp. Notice requiring a proponent to submit changes to a proposed closure plan. - 03/23/1999

86. EBR Registry Number: "ID9E1003" Type of Posting: "Instrument" Status: "Proposal" Abstract: Kinross Gold Corp. Notice of required changes to a proposed closure plan or proposed amendments to an existing plan. - 03/23/1999

87. EBR Registry Number: "IA9E0387" Type of Posting: "Instrument" Status: "Proposal" Abstract: Milplex Circuit (Canada) Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 03/23/1999

88. EBR Registry Number: "IA9E0391" Type of Posting: "Instrument" Status: "Proposal" Abstract: Globe-Vedag Corp. Approval for discharge into the natural environment other than water (i.e. Air). - 03/24/1999

89. EBR Registry Number: "IA9E0392" Type of Posting: "Instrument" Status: "Proposal" Abstract: Fern Resort Limited Approval for sewage works. - 03/24/1999

90. EBR Registry Number: "IA9E0410" Type of Posting: "Instrument" Status: "Proposal" Abstract: Novartis Animal Health Listed interim pesticides. - 03/31/1999

91. EBR Registry Number: "IA9E0412" Type of Posting: "Instrument" Status: "Proposal" Abstract: Cyanamid Crop Protection Listed interim pesticides. - 03/31/1999

92. EBR Registry Number: "IA9E0422" Type of Posting: "Instrument" Status: "Proposal" Abstract: Mr. Dan Greene Permit to take water. - 04/06/1999

93. EBR Registry Number: "IA9E0421" Type of Posting: "Instrument" Status: "Proposal" Abstract: Concord Elevator Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 04/06/1999

94. EBR Registry Number: "IA9E0423" Type of Posting: "Instrument" Status: "Proposal" Abstract: Western Collision Limited Approval for discharge into the natural environment other than water (i.e. Air). - 04/06/1999

95. EBR Registry Number: "IA9E0430" Type of Posting: "Instrument" Status: "Proposal" Abstract: Alvis Fogels Permit to take water. - 04/07/1999

96. EBR Registry Number: "IA9E0436" Type of Posting: "Instrument" Status: "Proposal" Abstract: Jennison Construction Ltd. Permit to take water. - 04/07/1999

97. EBR Registry Number: "IA9E0435" Type of Posting: "Instrument" Status: "Proposal" Abstract: Jennison Construction Ltd. Permit to take water. - 04/07/1999

98. EBR Registry Number: "IA9E0440" Type of Posting: "Instrument" Status: "Proposal" Abstract: Hamilton Bio Conversion Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 04/07/1999

99. EBR Registry Number: "IA9E0443" Type of Posting: "Instrument" Status: "Proposal" Abstract: Super Blue Box Recycling Corp. Approval for a waste disposal site. - 04/08/1999

100. EBR Registry Number: "IA9E0447" Type of Posting: "Instrument" Status: "Proposal" Abstract: ITRM Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 04/08/1999

101. EBR Registry Number: "IA9E0451" Type of Posting: "Instrument" Status: "Proposal" Abstract: IMPEX Group of Companies Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 04/09/1999

102. EBR Registry Number: "IA9E0452" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Lafarge Canada Inc Approval for discharge into the natural environment other than water (i.e. Air). - 04/12/1999

103. EBR Registry Number: "IA9E0459" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Brock Telecom Limited Approval for discharge into the natural environment other than water (i.e. Air). - 04/12/1999

104. EBR Registry Number: "IA9E0474" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Grey County Highways Department Approval for sewage works. - 04/15/1999

105. EBR Registry Number: "IA9E0480" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Foxwood Golf Course Permit to take water. - 04/16/1999

106. EBR Registry Number: "IA9E0486" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Bayer Inc. Approval of a program preventing,reducing, or controlling discharge. - 04/16/1999

107. EBR Registry Number: "IA9E0488" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Long Point Region Conservation Authority Permit to take water. - 04/16/1999

108. EBR Registry Number: "IA9E0490" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Praxair Canada Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 04/16/1999

109. EBR Registry Number: "IA9E0495" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Praxair Canada Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 04/19/1999

110. EBR Registry Number: "IA9E0405" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Paul Lisanti Permit to take water. - 04/19/1999

111. EBR Registry Number: "IA9E0497" Type of Posting: "Instrument" Status: "Proposal"
Abstract: CTS of Canada Limited Approval for discharge into the natural environment other than water (i.e. Air). - 04/20/1999

112. EBR Registry Number: "IA9E0389" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Steve Ratkovsky & Son Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 04/21/1999

113. EBR Registry Number: "IA9E0507" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Flag Fire Equipment Ltd. Approval for discharge into the natural environment other than water (i.e. Air). - 04/22/1999

114. EBR Registry Number: "IA9E0426" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Luzenac Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 04/23/1999

115. EBR Registry Number: "IA9E0510" Type of Posting: "Instrument" Status: "Proposal"
Abstract: T. Puckrin & Sons Ltd. Approval for use of a former waste disposal site. - 04/23/1999

116. EBR Registry Number: "IA9E0515" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Uniroyal Chemical Co./Cie Approval for discharge into the natural environment other than water (i.e. Air). - 04/26/1999

117. EBR Registry Number: "IA9E0511" Type of Posting: "Instrument" Status: "Proposal"
Abstract: BASF Canada Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 04/26/1999

118. EBR Registry Number: "IA9E0514" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Advanced Finishing Technologies Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 04/26/1999

119. EBR Registry Number: "IA9E0533" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Beacon Hall Limited (Caledon Centre for Well Being) Permit to take water. - 04/28/1999

120. EBR Registry Number: "IA9E0518" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Harvey Matthews Permit to take water. - 04/28/1999

121. EBR Registry Number: "IA9E0524" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Aguasabon Golf Club Permit to take water. - 04/28/1999

122. EBR Registry Number: "IA9E0529" Type of Posting: "Instrument" Status: "Proposal"
Abstract: South Western Ontario Propane Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 04/28/1999

123. EBR Registry Number: "IA9E0557" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Bertrand Faure Components Limited Approval for discharge into the natural environment other than water (i.e. Air). - 04/30/1999

124. EBR Registry Number: "IA9E0562" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Cargill Ltd., Greenway Branch Approval for discharge into the natural environment other than water (i.e. Air). - 04/30/1999

125. EBR Registry Number: "IA9E0550" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Conor Pacific Environmental Technologies Inc. Approval for a waste disposal site. - 05/03/1999

126. EBR Registry Number: "IA9E0566" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Lasalle Auto Centre Approval for discharge into the natural environment other than water (i.e. Air). - 05/03/1999

127. EBR Registry Number: "IA9E0582" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Eagle Kake First Nation Permit to take water. - 05/05/1999

128. EBR Registry Number: "IA9E0585" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Dan Wright Equipment Rentals Ltd. Approval for a waste disposal site. - 05/06/1999

129. EBR Registry Number: "IA9E0587" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Finoll Recycling Limited Order for performance of environmental measures. - 05/07/1999

130. EBR Registry Number: "IA9E0593" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Derlan Aerospace Canada, Division of Derlan Manufacturing Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 05/12/1999

131. EBR Registry Number: "IA9E0599" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Emtol Manufacturing Limited Approval for discharge into the natural environment other than water (i.e. Air). - 05/17/1999

132. EBR Registry Number: "IA9E0601" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Niagara Employment Agency Inc. Approval for a waste disposal site. - 05/17/1999

133 EBR Registry Number: "ID9E1006" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Avalon Ventures Ltd. Notice of required changes to a proposed closure plan prior to (re)commencing advanced exploration. - 05/17/1999

134. EBR Registry Number: "IA9E0610" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Kasabonika Lake First Nation Approval for a waste disposal site. - 05/19/1999

135. EBR Registry Number: "IA9E0619" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Wescam Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 05/21/1999

136. EBR Registry Number: "IA9E0620" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Uniroyal Chemical Co./Cie Permit to take water. - 05/26/1999

137. EBR Registry Number: "IA7E1807" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Jeferson Elora Corporation Approval for discharge into the natural environment other than water (i.e. Air). - 05/26/1999

138. EBR Registry Number: "IA7E1806" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Fluor Daniel GTI Canada Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 05/26/1999

139. EBR Registry Number: "IA7E1808" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Ault Foods Ltd. Approval for discharge into the natural environment other than water (i.e. Air). - 05/26/1999

140. EBR Registry Number: "IA7E1591" Type of Posting: "Instrument" Status: "Proposal"
Abstract: PPG Canada Inc Approval for discharge into the natural environment other than water (i.e. Air). - 05/26/1999

141. EBR Registry Number: "IA7E1482" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Casco Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 05/26/1999

142. EBR Registry Number: "IA7E1665" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Uniroyal Chemical Limited Approval for a waste disposal site. - 05/26/1999

143. EBR Registry Number: "IA9E0626" Type of Posting: "Instrument" Status: "Proposal"
Abstract: KDP Manufacturing Approval for a waste disposal site. - 05/28/1999

144. EBR Registry Number: "IA9E0635" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Furever Loyal (Pet Crematory) Approval for discharge into the natural environment other than water (i.e. Air) - 05/28/1999

145. EBR Registry Number: "IA9E0630" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Monto Industries Limited Approval for discharge into the natural environment other than water (i.e. Air). - 05/28/1999

146. EBR Registry Number: "IA9E0649" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Canadian Timken Limited Approval for discharge into the natural environment other than water (i.e. Air). - 06/03/1999

147. EBR Registry Number: "IA9E0650" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Capital Environmental Resource Inc. Approval for a waste disposal site. - 06/03/1999

148. EBR Registry Number: "IA9E0652" Type of Posting: "Instrument" Status: "Proposal"
Abstract: NHB Industries Limited Approval for discharge into the natural environment other than water (i.e. Air). - 06/03/1999

149. EBR Registry Number: "IA9E0654" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Tri Lad Approval for discharge into the natural environment other than water (i.e. Air). - 06/04/1999

150. EBR Registry Number: "IA9E0663" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Coco Paving (1990) Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 06/04/1999

151. EBR Registry Number: "IA9E0668" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Shaw Pipe Protection Limited Approval for discharge into the natural environment other than water (i.e. Air). - 06/07/1999

152. EBR Registry Number: "IA9E0673" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Lake Erie Steel Company, Division of Stelco Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 06/07/1999

153. EBR Registry Number: "IA9E0675" Type of Posting: "Instrument" Status: "Proposal"
Abstract: IKO Industries Ltd. Approval for discharge into the natural environment other than water (i.e. Air). - 06/08/1999

154. EBR Registry Number: "IA9E0681" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Vision Coaters Canada Ltd. Approval for discharge into the natural environment other than water (i.e. Air). - 06/09/1999

155. EBR Registry Number: "IA9E0691" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Enbridge Consumers Gas Approval for discharge into the natural environment other than water (i.e. Air). - 06/11/1999

156. EBR Registry Number: "IA9E0687" Type of Posting: "Instrument" Status: "Proposal"
Abstract: M.C. Excavating & Equipment Rentals Approval for a waste disposal site. - 06/11/1999

157. EBR Registry Number: "IA9E0698" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Flexible Products Company of Canada Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 06/14/1999

158. EBR Registry Number: "IA9E1007" Type of Posting: "Instrument" Status: "Proposal"
Abstract: River Gold Mines Ltd. Notice of required changes to a proposed closure plan or proposed amendments to an existing plan. - 06/14/1999

159. EBR Registry Number: "IA9E0700" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Mars Metal Company Approval for discharge into the natural environment other than water (i.e. Air). - 06/16/1999

160. EBR Registry Number: "IA9E0714" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Montebello Packaging Approval for discharge into the natural environment other than water (i.e. Air). - 06/16/1999

161. EBR Registry Number: "IA9E0713" Type of Posting: "Instrument" Status: "Proposal"
Abstract: CRA Contracting Services & Rockwell Automation of Canada Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 06/16/1999

162. EBR Registry Number: "IA9E0702" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Splitcraft, Division of Tesma International Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 06/16/1999

163. EBR Registry Number: "IA9E0705" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Howard Graphic Services Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 06/16/1999

164. EBR Registry Number: "IA9E0715" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Woodlands Links Ltd. Permit to take water. - 06/16/1999

165. EBR Registry Number: "IA9E0717" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Marvel Rapids Golf Course - Helen & Gord Osborne Permit to take water. - 06/16/1999

166. EBR Registry Number: "IA9E0728" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Grant Kimmett Permit to take water. - 06/18/1999

167. EBR Registry Number: "IA9E0718" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Halton Crushed Stone Permit to take water. - 06/18/1999

168. EBR Registry Number: "IA9E0719" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Angus Glen Development Ltd. Permit to take water. - 06/18/1999

169. EBR Registry Number: "IA9E0701" Type of Posting: "Instrument" Status: "Proposal"
Abstract: C. Villeneuve Construction Co. Ltd. Approval for discharge into the natural environment other than water (i.e. Air). - 06/18/1999

170. EBR Registry Number: "IA9E0733" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Ab Boogerman Permit to take water - 06/18/1999

171. EBR Registry Number: "IA9E0750" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Oakland Golf Club (1019455 Ontario Inc.) Permit to take water. - 06/22/1999

172. EBR Registry Number: "IA9E0753" Type of Posting: "Instrument" Status: "Proposal"
Abstract: 3465098 Canada Inc. Permit to take water. - 06/22/1999

173. EBR Registry Number: "ID9E1010" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Nuinsco Resources Ltd. Notice of required changes to a proposed closure plan prior to (re)commencing advanced exploration. - 06/22/1999

174. EBR Registry Number: "IA9E0758" Type of Posting: "Instrument" Status: "Proposal"
Abstract: C. Villeneuve Construction Co. Ltd. Approval for discharge into the natural environment other than water (i.e. Air). - 06/23/1999

175. EBR Registry Number: "IA9E0760" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Lush Yorkville Holdings Limited Approval for discharge into the natural environment other than water (i.e. Air). - 06/23/1999

176. EBR Registry Number: "IA9E0759" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Lush Beaches Holdings Limited Approval for discharge into the natural environment other than water (i.e. Air). - 06/23/1999

177. EBR Registry Number: "IA9E0761" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Fleetwood Canada Limited Approval for discharge into the natural environment other than water (i.e. Air). - 06/23/1999

178. EBR Registry Number: "IA9E0770" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Casco Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 06/25/1999

179. EBR Registry Number: "IA9E0768" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Vac Aero International Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 06/25/1999

180. EBR Registry Number: "IA9E0775" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Shell Canada Products Limited Approval for sewage works. - 06/28/1999

181. EBR Registry Number: "IA9E0776" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Linamar Corporation, Ariss Manufacturing Division Approval for discharge into the natural environment other than water (i.e. Air). - 06/29/1999

182. EBR Registry Number: "IA9E0780" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Puslinch Lake Country Club Permit to take water. - 06/29/1999

183. EBR Registry Number: "IA9E0782" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Belden (Canada) Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 06/30/1999

184. EBR Registry Number: "IA9E0791" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Quadrad Manufacturing Ltd. Approval for discharge into the natural environment other than water (i.e. Air). - 07/02/1999

185. EBR Registry Number: "IA9E0803" Type of Posting: "Instrument" Status: "Proposal" Abstract: IKO Industries Limited Approval for discharge into the natural environment other than water (i.e. Air). - 07/05/1999

186. EBR Registry Number: "IA9E0794" Type of Posting: "Instrument" Status: "Proposal" Abstract: Sherwin-Williams Canada Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 07/05/1999

187. EBR Registry Number: "IA9E0813" Type of Posting: "Instrument" Status: "Proposal" Abstract: Woodlands Ranch Permit to take water. - 07/12/1999

188. EBR Registry Number: "IA9E0833" Type of Posting: "Instrument" Status: "Proposal" Abstract: Sherwin-Williams Canada Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 07/13/1999

189. EBR Registry Number: "IA9E0835" Type of Posting: "Instrument" Status: "Proposal" Abstract: Canadian Waste Services Approval for discharge into the natural environment other than water (i.e. Air). - 07/13/1999

190. EBR Registry Number: "IA9E0827" Type of Posting: "Instrument" Status: "Proposal" Abstract: Placer Dome (CLA) Ltd., Musselwhite Mine Approval for discharge into the natural environment other than water (i.e. Air). - 07/13/1999

191. EBR Registry Number: "IA9E0830" Type of Posting: "Instrument" Status: "Proposal" Abstract: 1204799 Ontario Ltd. Approval for a waste disposal site. - 07/13/1999

192. EBR Registry Number: "IA9E0844" Type of Posting: "Instrument" Status: "Proposal" Abstract: Gary Priest Trucking Limited Approval for a waste disposal site. - 07/15/1999

193. EBR Registry Number: "IA9E0845" Type of Posting: "Instrument" Status: "Proposal" Abstract: Canadian Waste Services Inc. Approval for a waste disposal site. - 07/15/1999

194. EBR Registry Number: "IA9E0846" Type of Posting: "Instrument" Status: "Proposal" Abstract: Classic Image Limited Approval for discharge into the natural environment other than water (i.e. Air). - 07/16/1999

195. EBR Registry Number: "IA9E0847" Type of Posting: "Instrument" Status: "Proposal" Abstract: Canadian Waste Services Inc. Approval for a waste disposal site. - 07/16/1999

196. EBR Registry Number: "IA9E0872" Type of Posting: "Instrument" Status: "Proposal" Abstract: Forest Hill Auto Body Co. Ltd. Approval for discharge into the natural environment other than water (i.e. Air). - 07/21/1999

197. EBR Registry Number: "IA9E0868" Type of Posting: "Instrument" Status: "Proposal" Abstract: Gary Steacy Dismantling Limited Approval for a waste disposal site. - 07/21/1999

198. EBR Registry Number: "IA9E0866" Type of Posting: "Instrument" Status: "Proposal" Abstract: Newcastle Recycling Limited Approval for a waste disposal site. - 07/21/1999

199. EBR Registry Number: "IA9E0883" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Gabriel Aube Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 07/27/1999

200. EBR Registry Number: "IA9E0734" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Simmons Auto Body Limited Approval for discharge into the natural environment other than water (i.e. Air). - 07/27/1999

201. EBR Registry Number: "IA9E0888" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Phillip O'Connor Approval for discharge into the natural environment other than water (i.e. Air). - 07/27/1999

202. EBR Registry Number: "IA9E0893" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Noma Automotive, Div. of Noma Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 07/27/1999

203. EBR Registry Number: "IA9E0898" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Summit Collision Carstar (1999) Ltd. Approval for discharge into the natural environment other than water (i.e. Air). - 07/27/1999

204. EBR Registry Number: "IA9E0900" Type of Posting: "Instrument" Status: "Proposal"
Abstract: LDM Technologies Company Approval for discharge into the natural environment other than water (i.e. Air). - 07/27/1999

205. EBR Registry Number: "IA9E0840" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Ducks Unlimited Permit to take water. - 07/28/1999

206. EBR Registry Number: "ID9E1011" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Gwen Resources Ltd. Notice of required changes to a proposed closure plan prior to (re)commencing advanced exploration. - 07/28/1999

207. EBR Registry Number: "IA9E0907" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Kenex Manufacturing Limited Approval for discharge into the natural environment other than water (i.e. Air). - 07/29/1999

208. EBR Registry Number: "IA9E0906" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Royal Ecoproducts Limited Approval for discharge into the natural environment other than water (i.e. Air). - 07/29/1999

209. EBR Registry Number: "IA9E0917" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Durham Furniture Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 07/30/1999

210. EBR Registry Number: "IA9E0920" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Artic Clear (1993 Inc) Permit to take water. - 08/03/1999

211. EBR Registry Number: "IA9E0936" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Ontario Dye Casting Limited Approval for discharge into the natural environment other than water (i.e. Air). - 08/06/1999

212. EBR Registry Number: "IA9E0937" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Nelson Steel, Division of Samuel Manu-Tech Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 08/06/1999

213. EBR Registry Number: "IA9E0925" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Kinross Gold Corporation Permit to take water. - 08/06/1999

214. EBR Registry Number: "IA9E0938" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Lafarge Construction Materials Ltd. Permit to take water. - 08/06/1999

215. EBR Registry Number: "IA9E0942" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Leisure Manufacturing Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 08/09/1999

216. EBR Registry Number: "IA9E0949" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Waterville TG Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 08/09/1999

217. EBR Registry Number: "IA9E0947" Type of Posting: "Instrument" Status: "Proposal"
Abstract: St. Thomas Sanitary Collection Service Ltd., Green Lane Landfill Approval for discharge into the natural environment other than water (i.e. Air). - 08/09/1999

218. EBR Registry Number: "IA9E0956" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Leduc Pontiac Buick Limited Approval for sewage works. - 08/11/1999

219. EBR Registry Number: "IA9E0957" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Donald and Emily Everett Order for remedial work. - 08/12/1999

220. EBR Registry Number: "IA9E0960" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Bonar Inc., Packaging Division Order for remedial work. - 08/12/1999

221. EBR Registry Number: "IA9E0963" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Westbrook Greenhouses Limited Approval for discharge into the natural environment other than water (i.e. Air). - 08/13/1999

222. EBR Registry Number: "IA9E0968" Type of Posting: "Instrument" Status: "Proposal"
Abstract: 1336321 Ontario Ltd., o/a. Hillcrest Crematorium Approval for discharge into the natural environment other than water (i.e. Air). - 08/17/1999

223. EBR Registry Number: "IA9E0970" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Gay Lea Foods Coop. Ltd. Approval for a waste disposal site. - 08/17/1999

224. EBR Registry Number: "IA9E0975" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Plaza Integrated Environmental Ltd. Approval for a waste disposal site. - 08/17/1999

225. EBR Registry Number: "IA9E0817" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Aqua-Tech Blue Ltd. Order for performance of environmental measures. - 08/18/1999

226. EBR Registry Number: "IF9E3020" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Franz Acs Approval of an Official Plan Amendment. - 08/18/1999

227. EBR Registry Number: "IA9E0994" Type of Posting: "Instrument" Status: "Proposal" Abstract: Rhodia Canada Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 08/19/1999

228. EBR Registry Number: "IF9E3021" Type of Posting: "Instrument" Status: "Proposal" Abstract: The Township of Pelee Approval of an Official Plan Amendment. - 08/19/1999

229. EBR Registry Number: "IA9E0999" Type of Posting: "Instrument" Status: "Proposal" Abstract: Autocom Manufacturing Approval for discharge into the natural environment other than water (i.e. Air). - 08/20/1999

230. EBR Registry Number: "IA9E0998" Type of Posting: "Instrument" Status: "Proposal" Abstract: 883890 Ontario Ltd. Permit to take water. - 08/20/1999

231. EBR Registry Number: "IA9E1001" Type of Posting: "Instrument" Status: "Proposal" Abstract: Beverly Greenhouses Ltd. Permit to take water. - 08/23/1999

232. EBR Registry Number: "IA9E1003" Type of Posting: "Instrument" Status: "Proposal" Abstract: Aberfoyle Springs Permit to take water. - 08/23/1999

233. EBR Registry Number: "IA9E0980" Type of Posting: "Instrument" Status: "Proposal" Abstract: Canadian Waste Services Inc. Approval for a waste disposal site. - 08/24/1999

234. EBR Registry Number: "IA9E1008" Type of Posting: "Instrument" Status: "Proposal" Abstract: Greenhorizons Compact Sod Farm Permit to take water. - 08/24/1999

235. EBR Registry Number: "IA9E1009" Type of Posting: "Instrument" Status: "Proposal" Abstract: Puslinch Lake Country Club Permit to take water. - 08/25/1999

236. EBR Registry Number: "IA9E1010" Type of Posting: "Instrument" Status: "Proposal" Abstract: Victoria Park Golf Club West Permit to take water. - 08/25/1999

237. EBR Registry Number: "IF9E1012" Type of Posting: "Instrument" Status: "Proposal" Abstract: The Township of Manitouwadge Approval of an Official Plan. - 08/26/1999

238. EBR Registry Number: "IA9E1012" Type of Posting: "Instrument" Status: "Proposal" Abstract: Algoma Steel Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 08/26/1999

239. EBR Registry Number: "IA9E1017" Type of Posting: "Instrument" Status: "Proposal" Abstract: 1197243 Ontario Ltd., Ron Clark Motors Approval for discharge into the natural environment other than water (i.e. Air). - 08/31/1999

240. EBR Registry Number: "IA9E1021" Type of Posting: "Instrument" Status: "Proposal" Abstract: Petro Canada Approval for discharge into the natural environment other than water (i.e. Air). - 09/03/1999

241. EBR Registry Number: "IF9E0009" Type of Posting: "Instrument" Status: "Proposal" Abstract: Gail, Robert & Alison Morson A proposal for provisional consent (no Official Plan in Place). - 09/03/1999

242. EBR Registry Number: "IF9E0011" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Gary James A proposal for provisional consent (no Official Plan in Place). - 09/03/1999

243. EBR Registry Number: "IA9E1028" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Northern Sawmills Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 09/07/1999

244. EBR Registry Number: "IA9E1029" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Ridgemount Quarries Limited Permit to take water. - 09/07/1999

245. EBR Registry Number: "IA9E1036" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Torcad Limited Approval for a waste disposal site. - 09/08/1999

246. EBR Registry Number: "IA9E1040" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Canadian National Rilways Company Approval for a waste disposal site. - 09/08/1999

247. EBR Registry Number: "IA9E1046" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Mosaid Technologies Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 09/10/1999

248. EBR Registry Number: "IA9E1048" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Quadrad Manufacturing Ltd. Approval for discharge into the natural environment other than water (i.e. Air). - 09/10/1999

249. EBR Registry Number: "IA9E1051" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Nova Chemicals (Canada) Ltd. Permit to take water. - 09/14/1999

250. EBR Registry Number: "IA9E1055" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Fisher Controls Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 09/14/1999

251. EBR Registry Number: "IA9E1060" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Dave Cook Permit to take water. - 09/14/1999

252. EBR Registry Number: "IA9E1065" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Eaton Yale Ltd., Engineered Fasteners Division Approval for discharge into the natural environment other than water (i.e. Air). - 09/15/1999

253. EBR Registry Number: "IA9E1084" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Woodbridge Foam Corporation Approval for discharge into the natural environment other than water (i.e. Air). - 09/16/1999

254. EBR Registry Number: "IA9E1061" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Capital Environmental Resource Inc. Approval for a waste disposal site. - 09/17/1999

255. EBR Registry Number: "IA9E1099" Type of Posting: "Instrument" Status: "Proposal"
Abstract: 1346907 Ontario Ltd., o/a. Fair Price Auto Painting & Body Work Approval for discharge into the natural environment other than water (i.e. Air). - 09/20/1999

256. EBR Registry Number: "IA9E1100" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Pinty's Premium Foods Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 09/20/1999

257. EBR Registry Number: "IA9E1101" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Atlas Specialty Steels Approval for discharge into the natural environment other than water (i.e. Air). - 09/20/1999

258. EBR Registry Number: "IA9E1107" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Navistar International Corp., Canada Approval for discharge into the natural environment other than water (i.e. Air). - 09/20/1999

259. EBR Registry Number: "IA9E1112" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Aquafarms 93 Permit to take water. - 09/20/1999

260. EBR Registry Number: "IA9E1111" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Valspar Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 09/20/1999

261. EBR Registry Number: "IA9E1115" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Bruce A. Bond Petroleum Limited Approval for sewage works. - 09/21/1999

262. EBR Registry Number: "IA9E1118" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Sudbury District Energy Corporation Approval for discharge into the natural environment other than water (i.e. Air). - 09/21/1999

263. EBR Registry Number: "IA9E1127" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Tri City Services Ltd. Approval for a waste disposal site. - 09/22/1999

264. EBR Registry Number: "IA9E1132" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Nancy M. and Peter L. Burgess Permit to take water. - 09/22/1999

265. EBR Registry Number: "IA9E1134" Type of Posting: "Instrument" Status: "Proposal"
Abstract: 883890 Ontario Ltd. Permit to take water. - 09/22/1999

266. EBR Registry Number: "IA9E1135" Type of Posting: "Instrument" Status: "Proposal"
Abstract: 883890 Ontario Ltd. Permit to take water. - 09/22/1999

267. EBR Registry Number: "IA9E1137" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Longlac Wood Industries Inc. Approval for a waste disposal site. - 09/22/1999

268. EBR Registry Number: "IA9E1144" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Clublink Capital Corporation Permit to take water. - 09/23/1999

269. EBR Registry Number: "IA9E1148" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Bayer Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 09/23/1999

270. EBR Registry Number: "IA9E1153" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Solomon Enterprises Inc. Approval for a waste disposal site. - 09/23/1999

271. EBR Registry Number: "IA9E1150" Type of Posting: "Instrument" Status: "Proposal" Abstract: Northern Truck Works Limited Approval for discharge into the natural environment other than water (i.e. Air). - 09/23/1999

272. EBR Registry Number: "IA9E1163" Type of Posting: "Instrument" Status: "Proposal" Abstract: Harvey Beam Excavating Ltd. Approval for a waste disposal site. - 09/24/1999

273. EBR Registry Number: "IA9E1265" Type of Posting: "Instrument" Status: "Proposal" Abstract: Kapush Gravel Basin Inc. Approval for a waste disposal site. - 09/24/1999

274. EBR Registry Number: "IA9E1169" Type of Posting: "Instrument" Status: "Proposal" Abstract: Forest Valley Lumber (2000) Ltd. Approval for discharge into the natural environment other than water (i.e. Air). - 09/27/1999

275. EBR Registry Number: "IA9E1173" Type of Posting: "Instrument" Status: "Proposal" Abstract: Industrial Heat Treating Limited Approval for discharge into the natural environment other than water (i.e. Air). - 09/27/1999

276. EBR Registry Number: "IA9E1178" Type of Posting: "Instrument" Status: "Proposal" Abstract: Ontario Engineered Suspensions (Blenheim) Ltd. Approval for discharge into the natural environment other than water (i.e. Air). - 09/28/1999

277. EBR Registry Number: "IA9E1192" Type of Posting: "Instrument" Status: "Proposal" Abstract: Tamarac Golf & Country Club Permit to take water. - 09/30/1999

278. EBR Registry Number: "IA9E1193" Type of Posting: "Instrument" Status: "Proposal" Abstract: Thistle Springs Trout Farm - Sam Thistle Permit to take water. - 10/01/1999

279. EBR Registry Number: "IA9E1225" Type of Posting: "Instrument" Status: "Proposal" Abstract: Brampton Brick Limited Approval for discharge into the natural environment other than water (i.e. Air). - 10/06/1999

280. EBR Registry Number: "IA9E1227" Type of Posting: "Instrument" Status: "Proposal" Abstract: JDS Uniphase Corporation Approval for discharge into the natural environment other than water (i.e. Air). - 10/07/1999

281. EBR Registry Number: "IA9E1229" Type of Posting: "Instrument" Status: "Proposal" Abstract: Canadian Waste Services Inc. Approval for a waste disposal site. - 10/08/1999

282. EBR Registry Number: "IA9E1233" Type of Posting: "Instrument" Status: "Proposal" Abstract: General Waste Transport Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 10/08/1999

283. EBR Registry Number: "IA9E1235" Type of Posting: "Instrument" Status: "Proposal" Abstract: Sandvik Steel Canada Approval for discharge into the natural environment other than water (i.e. Air). - 10/08/1999

284. EBR Registry Number: "IA9E1241" Type of Posting: "Instrument" Status: "Proposal" Abstract: 1333437 Ontario Limited Approval for a waste disposal site. - 10/08/1999

285. EBR Registry Number: "IA9E1247" Type of Posting: "Instrument" Status: "Proposal" Abstract: Waterloo Furniture Components Ltd. Approval for discharge into the natural environment other than water (i.e. Air). - 10/12/1999

286. EBR Registry Number: "IA9E1248" Type of Posting: "Instrument" Status: "Proposal" Abstract: Fiberglass Reinforced Plastic Systems Ltd. Approval for discharge into the natural environment other than water (i.e. Air). - 10/12/1999

287. EBR Registry Number: "IA9E1249" Type of Posting: "Instrument" Status: "Proposal" Abstract: Tembec Inc., Hearst Sawmill Approval for discharge into the natural environment other than water (i.e. Air). - 10/12/1999

288. EBR Registry Number: "IF9E3030" Type of Posting: "Instrument" Status: "Proposal" Abstract: Municipality of Leamington (former Township of Mersea) Approval of an Official Plan Amendment. - 10/12/1999

289. EBR Registry Number: "IA9E1790" Type of Posting: "Instrument" Status: "Proposal" Abstract: Photech Environmental Solutions Inc. Approval for a waste disposal site. - 10/15/1999

290. EBR Registry Number: "IA9E1258" Type of Posting: "Instrument" Status: "Proposal" Abstract: Rogers Ottawa Limited Approval for discharge into the natural environment other than water (i.e. Air). - 10/18/1999

291. EBR Registry Number: "IA9E1262" Type of Posting: "Instrument" Status: "Proposal" Abstract: George Rofner for Richmond Nursery Permit to take water. - 10/19/1999

292. EBR Registry Number: "IA9E1269" Type of Posting: "Instrument" Status: "Proposal" Abstract: Birchmount Collision (1995) Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 10/19/1999

293. EBR Registry Number: "IA9E1284" Type of Posting: "Instrument" Status: "Proposal" Abstract: Satisfied Brake Products Inc Approval for discharge into the natural environment other than water (i.e. Air). - 10/22/1999

294. EBR Registry Number: "IA9E1285" Type of Posting: "Instrument" Status: "Proposal" Abstract: Madawaska Hardwood Flooring Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 10/22/1999

295. EBR Registry Number: "IA9E1649" Type of Posting: "Instrument" Status: "Proposal" Abstract: Budd Canada Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 10/25/1999

296. EBR Registry Number: "IA9E1651" Type of Posting: "Instrument" Status: "Proposal" Abstract: JKM Custom Fabricating Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 10/26/1999

297. EBR Registry Number: "IA9E1656" Type of Posting: "Instrument" Status: "Proposal" Abstract: Collins & Aikman Plastics Limited Approval for discharge into the natural environment other than water (i.e. Air). - 10/26/1999

298. EBR Registry Number: "IA9E1658" Type of Posting: "Instrument" Status: "Proposal" Abstract: Rae Fiberglass Approval for discharge into the natural environment other than water (i.e. Air). - 10/26/1999

299. EBR Registry Number: "IA9E1660" Type of Posting: "Instrument" Status: "Proposal" Abstract: Bio-Lab Canada Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 10/27/1999

300. EBR Registry Number: "IA9E1662" Type of Posting: "Instrument" Status: "Proposal" Abstract: Blastech Corporation Approval for discharge into the natural environment other than water (i.e. Air). - 10/27/1999

301. EBR Registry Number: "IA9E1661" Type of Posting: "Instrument" Status: "Proposal" Abstract: Ducks Unlimited Canada Permit to take water. - 10/27/1999

302. EBR Registry Number: "IA9E1665" Type of Posting: "Instrument" Status: "Proposal" Abstract: ATC Investment Company Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 10/27/1999

303. EBR Registry Number: "IA9E1666" Type of Posting: "Instrument" Status: "Proposal" Abstract: I & D Autobody and Collision Centre Limited Approval for discharge into the natural environment other than water (i.e. Air). - 10/27/1999

304. EBR Registry Number: "IA9E1669" Type of Posting: "Instrument" Status: "Proposal" Abstract: Pinebridge Auto Service & Sales Ltd. Approval for discharge into the natural environment other than water (i.e. Air). - 10/28/1999

305. EBR Registry Number: "IA9E1671" Type of Posting: "Instrument" Status: "Proposal" Abstract: 737970 Ontario Ltd., o/a. Jack Glavin Sandblasting Approval for discharge into the natural environment other than water (i.e. Air). - 10/28/1999

306. EBR Registry Number: "IA9E1670" Type of Posting: "Instrument" Status: "Proposal" Abstract: Wayne M. Leavey Permit to take water. - 10/28/1999

307. EBR Registry Number: "IA9E1675" Type of Posting: "Instrument" Status: "Proposal" Abstract: Lawson Mardon Packaging Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 10/29/1999

308. EBR Registry Number: "IA9E1677" Type of Posting: "Instrument" Status: "Proposal" Abstract: 818769 Ontario Inc. (David Seal) Permit to take water. - 10/29/1999

309. EBR Registry Number: "IA9E1681" Type of Posting: "Instrument" Status: "Proposal" Abstract: Ridgewood Industries Limited Approval for discharge into the natural environment other than water (i.e. Air). - 10/29/1999

310. EBR Registry Number: "IA9E1868" Type of Posting: "Instrument" Status: "Proposal" Abstract: Mississauga Metals & Alloys Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 10/29/1999

311. EBR Registry Number: "IA9E1685" Type of Posting: "Instrument" Status: "Proposal" Abstract: Niru Enterprise Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 10/29/1999

312. EBR Registry Number: "IA9E1687" Type of Posting: "Instrument" Status: "Proposal" Abstract: OCM Technology Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 10/29/1999

313. EBR Registry Number: "IA9E1689" Type of Posting: "Instrument" Status: "Proposal" Abstract: A.V.K. Nursery Holding Inc. Permit to take water. - 11/01/1999

314. EBR Registry Number: "IA9E1693" Type of Posting: "Instrument" Status: "Proposal" Abstract: Falconbridge Limited Approval for discharge into the natural environment other than water (i.e. Air). - 11/01/1999

315. EBR Registry Number: "IA9E1697" Type of Posting: "Instrument" Status: "Proposal" Abstract: Caskenette Farms Ltd. Permit to take water. - 11/01/1999

316. EBR Registry Number: "IA9E1696" Type of Posting: "Instrument" Status: "Proposal" Abstract: Able Disposal Services Ltd. Approval for a waste disposal site. - 11/01/1999

317. EBR Registry Number: "IA9E1698" Type of Posting: "Instrument" Status: "Proposal" Abstract: Precise Auto Body & Collision Approval for discharge into the natural environment other than water (i.e. Air). - 11/01/1999

318. EBR Registry Number: "IA9E1703" Type of Posting: "Instrument" Status: "Proposal" Abstract: Novopharm Limited Approval for discharge into the natural environment other than water (i.e. Air). - 11/02/1999

319. EBR Registry Number: "IA9E1705" Type of Posting: "Instrument" Status: "Proposal" Abstract: 1340152 Ontario Inc. Permit to take water. - 11/04/1999

320. EBR Registry Number: "IA9E1707" Type of Posting: "Instrument" Status: "Proposal" Abstract: Jems Coating Limited Approval for discharge into the natural environment other than water (i.e. Air). - 11/04/1999

321. EBR Registry Number: "IA9E1709" Type of Posting: "Instrument" Status: "Proposal" Abstract: Jems Coating Limited Approval for discharge into the natural environment other than water (i.e. Air). - 11/04/1999

322. EBR Registry Number: "IA9E1711" Type of Posting: "Instrument" Status: "Proposal" Abstract: Whiskey Run Golf Club Permit to take water. - 11/05/1999

323. EBR Registry Number: "IA9E1713" Type of Posting: "Instrument" Status: "Proposal" Abstract: The International Group Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 11/05/1999

324. EBR Registry Number: "IA9E1716" Type of Posting: "Instrument" Status: "Proposal" Abstract: Baxter Corporation Approval for discharge into the natural environment other than water (i.e. Air). - 11/05/1999

325. EBR Registry Number: "IA9E1718" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Autosystems Mfg. Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 11/08/1999

326. EBR Registry Number: "IA9E1719" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Garo's Auto Collision Centre Approval for discharge into the natural environment other than water (i.e. Air). - 11/08/1999

327. EBR Registry Number: "IA9E1722" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Lafarge Canada Inc Approval for discharge into the natural environment other than water (i.e. Air). - 11/08/1999

328. EBR Registry Number: "IA9E1729" Type of Posting: "Instrument" Status: "Proposal"
Abstract: 1350014 Ontario Inc., o/a. Autobahn Collision Centre Approval for discharge into the natural environment other than water (i.e. Air). - 11/09/1999

329. EBR Registry Number: "IA9E1743" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Pullmatic Mfg. Approval for discharge into the natural environment other than water (i.e. Air). - 11/15/1999

330. EBR Registry Number: "IA9E1745" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Continental Cabinet Company Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 11/15/1999

331. EBR Registry Number: "IA9E1746" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Continental Cabinet Company Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 11/15/1999

332. EBR Registry Number: "IA9E1739" Type of Posting: "Instrument" Status: "Proposal"
Abstract: A.G. Simpson Co. Ltd. Approval for discharge into the natural environment other than water (i.e. Air). - 11/15/1999

333. EBR Registry Number: "IA9E1747" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Caradon Limited Approval for discharge into the natural environment other than water (i.e. Air). - 11/15/1999

334. EBR Registry Number: "IA9E1748" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Lincoln Electric Company of Canada Limited Approval for discharge into the natural environment other than water (i.e. Air). - 11/15/1999

335. EBR Registry Number: "IT9E0086" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Sunrise Petroleum Application for variances from the Gasoline Handling Act. - 11/16/1999

336. EBR Registry Number: "IA9E1750" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Long Manufacturing Ltd. Approval for discharge into the natural environment other than water (i.e. Air). - 11/17/1999

337. EBR Registry Number: "IA9E1756" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Casco Impregnated Papers Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 11/17/1999

338. EBR Registry Number: "IA9E1759" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Omron Dualtec Automotive Electronics Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 11/19/1999

339. EBR Registry Number: "IA9E1762" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Novartis Crop Protection Canada Inc. Listed interim pesticides. - 11/19/1999

340. EBR Registry Number: "IF9E3042" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Art Lannon A proposal for provisional consent (no Official Plan in Place). - 11/19/1999

341. EBR Registry Number: "IF9E3044" Type of Posting: "Instrument" Status: "Proposal"
Abstract: The Township of Coleman Approval of an Official Plan. - 11/19/1999

342. EBR Registry Number: "IF9E3048" Type of Posting: "Instrument" Status: "Proposal"
Abstract: The Town of Tecumseh Approval of an Official Plan Amendment. - 11/23/1999

343. EBR Registry Number: "IA9E1767" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Long Manufacturing Ltd. Approval for discharge into the natural environment other than water (i.e. Air). - 11/24/1999

344. EBR Registry Number: "IA9E1294" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Blue Mountain Resorts Ltd. Permit to take water. - 11/24/1999

345. EBR Registry Number: "IA9E1295" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Ducks Unlimited Canada Permit to take water. - 11/24/1999

346. EBR Registry Number: "IA9E1291" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Hetworth Corporation Approval for discharge into the natural environment other than water (i.e. Air). - 11/24/1999

347. EBR Registry Number: "IA9E1297" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Selkirk Cove Inc. Permit to take water. - 11/24/1999

348. EBR Registry Number: "IA9E1298" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Llyndinshire Golf and Country Club Permit to take water. - 11/25/1999

349. EBR Registry Number: "IA9E1301" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Wolfert's Farm Permit to take water. - 11/25/1999

350. EBR Registry Number: "IA9E1308" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Don MacDermid Permit to take water. - 11/25/1999

351. EBR Registry Number: "IA9E1316" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Willa and Brant Coleman Permit to take water. - 11/26/1999

352. EBR Registry Number: "IA9E1317" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Central Sanitation Approval for a waste disposal site. - 11/29/1999

353. EBR Registry Number: "IA9E1318" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Ben Wise Approval for sewage works. - 11/29/1999

354. EBR Registry Number: "IA9E1321" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Middlesex Landscaping Services Ltd. Permit to take water. - 11/29/1999

355. EBR Registry Number: "IA9E1322" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Harbourfront Recycling Inc. Approval for a waste disposal site. - 11/29/1999

356. EBR Registry Number: "IA9E1323" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Integram Windsor Seating, A Divison of Magna Seating Systems Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 11/30/1999

357. EBR Registry Number: "IA9E1327" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Brampton Brick Limited Approval for discharge into the natural environment other than water (i.e. Air). - 11/30/1999

358. EBR Registry Number: "IA9E1330" Type of Posting: "Instrument" Status: "Proposal"
Abstract: OMG Belleville Limited Approval for discharge into the natural environment other than water (i.e. Air). - 12/01/1999

359. EBR Registry Number: "IA9E1331" Type of Posting: "Instrument" Status: "Proposal"
Abstract: M.A. Hanna Rubber Compounding, Limited Approval for discharge into the natural environment other than water (i.e. Air). - 12/01/1999

360. EBR Registry Number: "IA9E1332" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Kimberly-Clark Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 12/01/1999

361. EBR Registry Number: "ID9E0001" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Leo Alaire & Sons Limited Surface rights lease when required for mining purposes. - 12/01/1999

362. EBR Registry Number: "IA9E1335" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Nortel Networks Permit to take water. - 12/01/1999

363. EBR Registry Number: "IF9E3060" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Robert Joseph Julien, A proposal for provisional consent (no Official Plan in Place). - 12/02/1999

364. EBR Registry Number: "IA9E1337" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Meritor Suspension Systems Company Approval for discharge into the natural environment other than water (i.e. Air). - 12/02/1999

365. EBR Registry Number: "IA9E1347" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Burlington Technologies Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 12/06/1999

366. EBR Registry Number: "IA9E1340" Type of Posting: "Instrument" Status: "Proposal"
Abstract: 1371933 Ontario Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 12/06/1999

367. EBR Registry Number: "IA9E1344" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Kodak Canada Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 12/06/1999

368. EBR Registry Number: "IA9E1342" Type of Posting: "Instrument" Status: "Proposal"
Abstract: McCann Redi-Mix Inc. Approval for a waste disposal site. - 12/06/1999

369. EBR Registry Number: "IA9E1343" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Brock Telecom Ltd. Approval for discharge into the natural environment other than water (i.e. Air). - 12/06/1999

370. EBR Registry Number: "IA9E1349" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Meritor Suspension Systems Company Ltd. Approval for discharge into the natural environment other than water (i.e. Air). - 12/06/1999

371. EBR Registry Number: "IA9E1350" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Amherstview Golf Course Ltd Permit to take water. - 12/06/1999

372. EBR Registry Number: "IA9E1356" Type of Posting: "Instrument" Status: "Proposal"
Abstract: St. Laurent Paperboard Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 12/07/1999

373. EBR Registry Number: "IA9E1357" Type of Posting: "Instrument" Status: "Proposal"
Abstract: 1137801 Ontario Limited Direction for sewage disposal. - 12/07/1999

374. EBR Registry Number: "IA9E1361" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Magick Woods Ltd. Approval for discharge into the natural environment other than water (i.e. Air). - 12/08/1999

375. EBR Registry Number: "IA9E1362" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Enron Canada Corp. Approval for discharge into the natural environment other than water (i.e. Air). - 12/08/1999

376. EBR Registry Number: "IA9E1364" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Ontario Power Generation Inc., Northeast Plant Group Approval for a waste disposal site. - 12/08/1999

377. EBR Registry Number: "IF9E3062" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Victoria County Approval of an Official Plan Amendment. - 12/09/1999

378. EBR Registry Number. "IA9E1368" Type of Posting: "Instrument" Status: "Proposal"
Abstract: LOF Glass of Canada Ltd. Approval for discharge into the natural environment other than water (i.e. Air). - 12/09/1999

379. EBR Registry Number: "IA9E1370" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Horseshe Carbons Incorporated Approval for discharge into the natural environment other than water (i.e. Air). - 12/10/1999

380. EBR Registry Number: "IA9E1374" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Mr. John Rochon Permit to take water. - 12/13/1999

381. EBR Registry Number: "IA9E1375" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Bruin Engineered Parts Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 12/13/1999

382. EBR Registry Number: "IA9E1381" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Vulcan Containers (Quebec) Ltd. Approval for discharge into the natural environment other than water (i.e. Air). - 12/14/1999

383. EBR Registry Number: "IA9E1380" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Wayjen Investment Inc. Approval for a waste disposal site. - 12/14/1999

384. EBR Registry Number: "IA9E1379" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Country Sunshine Service Centre Ltd Approval for a waste disposal site. - 12/14/1999

385. EBR Registry Number: "IA9E1385" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Inter-Recycling Systems Inc. Approval for a waste disposal site. - 12/15/1999

386. EBR Registry Number: "IF9E3063" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Canadian Pacific Railway Company A proposal for provisional consent (no Official Plan in Place). - 12/15/1999

387. EBR Registry Number: "IA9E1386" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Form Rite (Canada) Limited Approval for discharge into the natural environment other than water (i.e. Air). - 12/15/1999

388. EBR Registry Number: "IA9E1387" Type of Posting: "Instrument" Status: "Proposal"
Abstract: 1020935 Ontario Limited Approval for a waste disposal site. - 12/15/1999

389. EBR Registry Number: "IA9E1388" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Haliburton Highlands Outdoor Association Approval for sewage works. - 12/16/1999

390. EBR Registry Number: "IA9E1390" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Rauscher Plating Limited Approval for discharge into the natural environment other than water (i.e. Air). - 12/16/1999

391. EBR Registry Number: "IA9E1395" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Michelin North America (Canada) Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 12/17/1999

392. EBR Registry Number: "IA9E1397" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Mido Corporation Inc., o/a. Continental Collision Centre Approval for discharge into the natural environment other than water (i.e. Air). - 12/20/1999

393. EBR Registry Number: "IA9E1396" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Brooklin Mews and Kinsale Mews Ltd Permit to take water. - 12/20/1999

394. EBR Registry Number: "IA9E1403" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Ford Motor Company of Canada Approval for discharge into the natural environment other than water (i.e. Air). - 12/21/1999

395. EBR Registry Number: "IA9E1405" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Moloney Electric A Division of Hammond Manufacturing Holdings Limited Approval for discharge into the natural environment other than water (i.e. Air). - 12/21/1999

396. EBR Registry Number: "IA9E1407" Type of Posting: "Instrument" Status: "Proposal" Abstract: Mirmil Products Approval for discharge into the natural environment other than water (i.e. Air). - 12/21/1999

397. EBR Registry Number: "IA9E1406" Type of Posting: "Instrument" Status: "Proposal" Abstract: Mirmil Products Approval for discharge into the natural environment other than water (i.e. Air). - 12/21/1999

398. EBR Registry Number: "IA9E1409" Type of Posting: "Instrument" Status: "Proposal" Abstract: Kodak Canada Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 12/22/1999

399. EBR Registry Number: "IA9E1414" Type of Posting: "Instrument" Status: "Proposal" Abstract: Lakefield Research Limited Approval for discharge into the natural environment other than water (i.e. Air). - 12/23/1999

400. EBR Registry Number: "IA9E1416" Type of Posting: "Instrument" Status: "Proposal" Abstract: Praxair Canada Inc. Approval of a program preventing, reducing, or controlling discharge. - 12/24/1999

401. EBR Registry Number: "IA9E1417" Type of Posting: "Instrument" Status: "Proposal" Abstract: Hamilton Bio Conversion Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 12/24/1999

402. EBR Registry Number: "IA9E1418" Type of Posting: "Instrument" Status: "Proposal" Abstract: Wescast Industries Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 12/29/1999

403. EBR Registry Number: "IA9E1419" Type of Posting: "Instrument" Status: "Proposal" Abstract: G. N. Johnston Equipment Co. Ltd. Approval for discharge into the natural environment other than water (i.e. Air). - 12/29/1999

404. EBR Registry Number: "IA9E1421" Type of Posting: "Instrument" Status: "Proposal" Abstract: Newnorth auto Body Services Ltd. Approval for discharge into the natural environment other than water (i.e. Air). - 12/30/1999

405. EBR Registry Number: "IA00E0001" Type of Posting: "Instrument" Status: "Proposal" Abstract: Hamilton Bio Conversion Inc. Approval for a waste disposal site. - 01/04/2000

406. EBR Registry Number: "IA00E0003" Type of Posting: "Instrument" Status: "Proposal" Abstract: Walker Exhausts, A Division of Tenneco Automotive Approval for discharge into the natural environment other than water (i.e. Air). - 01/04/2000

407. EBR Registry Number: "IA00E0004" Type of Posting: "Instrument" Status: "Proposal" Abstract: Siemens Westinghouse Approval for discharge into the natural environment other than water (i.e. Air). - 01/04/2000

408. EBR Registry Number: "IA00E0006" Type of Posting: "Instrument" Status: "Proposal" Abstract: Richmond Division of Meridian Operations Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 01/05/2000

409. EBR Registry Number: "IA00E0007" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Burford Golf Links Permit to take water. - 01/05/2000

410. EBR Registry Number: "IA00E0008" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Diversified Coatings (Canada) Co. Approval for discharge into the natural environment other than water (i.e. Air). - 01/05/2000

411. EBR Registry Number: "IA00E0009" Type of Posting: "Instrument" Status: "Proposal"
Abstract: XRAL Laboratories A Division of S.G.S Canada Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 01/06/2000

412. EBR Registry Number: "IA00E0020" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Gogama Forest Products Ltd. Approval for a waste disposal site. - 01/07/2000

413. EBR Registry Number: "IA00E0022" Type of Posting: "Instrument" Status: "Proposal"
Abstract: General Electric Canada Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 01/07/2000

414. EBR Registry Number: "IA00E0024" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Hydro Agri Canada L.P. Approval for discharge into the natural environment other than water (i.e. Air). - 01/07/2000

415. EBR Registry Number: "IA00E0027" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Klaus Friesecke Permit to take water. - 01/07/2000

416. EBR Registry Number: "IA00E0028" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Wallenstein Feed and Supply Permit to take water. - 01/07/2000

417. EBR Registry Number: "IA00E0030" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Plastmo Ltd. Approval for discharge into the natural environment other than water (i.e. Air). - 01/10/2000

418. EBR Registry Number: "IA00E0031" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Laurel Springs Water Corporation Permit to take water. - 01/10/2000

419. EBR Registry Number: "IA00E0032" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Stampco Manufacturing Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 01/10/2000

420. EBR Registry Number: "IA00E0036" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Norampac Inc. Approval for sewage works. - 01/11/2000

421. EBR Registry Number: "IA00E0043" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Home Hardware Stores Limited Approval for discharge into the natural environment other than water (i.e. Air). - 01/11/2000

422. EBR Registry Number: "IA00E0041" Type of Posting: "Instrument" Status: "Proposal"
Abstract: GKN Sinter Metals - St. Thomas Ltd. Approval for discharge into the natural environment other than water (i.e. Air). - 01/11/2000

423. EBR Registry Number: "IA00E0045" Type of Posting: "Instrument" Status: "Proposal" Abstract: Sunoco Inc. Approval for sewage works. - 01/11/2000

424. EBR Registry Number: "IA00E0046" Type of Posting: "Instrument" Status: "Proposal" Abstract: Menu Food Limited Approval for discharge into the natural environment other than water (i.e. Air). - 01/11/2000

425. EBR Registry Number: "IA00E0053" Type of Posting: "Instrument" Status: "Proposal" Abstract: Nestle Canada Inc., Trenton Factory Approval for discharge into the natural environment other than water (i.e. Air). - 01/12/2000

426. EBR Registry Number: "IA00E0052" Type of Posting: "Instrument" Status: "Proposal" Abstract: S&C Electric Canada Limited Approval for discharge into the natural environment other than water (i.e. Air). - 01/12/2000

427. EBR Registry Number: "IA00E0049" Type of Posting: "Instrument" Status: "Proposal" Abstract: Bonar Inc. Burlington Packaging Approval for discharge into the natural environment other than water (i.e. Air). - 01/12/2000

428. EBR Registry Number: "IA00E0051" Type of Posting: "Instrument" Status: "Proposal" Abstract: Long Manufacturing Ltd., XL Plant Approval for discharge into the natural environment other than water (i.e. Air). - 01/12/2000

429. EBR Registry Number: "IA00E0055" Type of Posting: "Instrument" Status: "Proposal" Abstract: Norfolk Foundry Inc., (Alumco) Approval for discharge into the natural environment other than water (i.e. Air). - 01/12/2000

430. EBR Registry Number: "IA00E0054" Type of Posting: "Instrument" Status: "Proposal" Abstract: Russel Metals Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 01/12/2000

431. EBR Registry Number: "IA00E0057" Type of Posting: "Instrument" Status: "Proposal" Abstract: Morguard Realty Holdings Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 01/12/2000

432. EBR Registry Number: "IA00E0059" Type of Posting: "Instrument" Status: "Proposal" Abstract: Bridgestone/Firestone Canada Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 01/12/2000

433. EBR Registry Number: "IA9E1752" Type of Posting: "Instrument" Status: "Proposal" Abstract: Cavanagh Construction Limited Permit to take water. - 01/13/2000

434. EBR Registry Number: "IA00E0062" Type of Posting: "Instrument" Status: "Proposal" Abstract: The Canadian Salt Company Limited Approval for discharge into the natural environment other than water (i.e. Air). - 01/13/2000

435. EBR Registry Number: "IA00E0066" Type of Posting: "Instrument" Status: "Proposal" Abstract: Cogeco Cable Canada Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 01/14/2000

436. EBR Registry Number: "IA00E0068" Type of Posting: "Instrument" Status: "Proposal" Abstract: Daytech Mfg. Ltd. Approval for discharge into the natural environment other than water (i.e. Air). - 01/14/2000

437. EBR Registry Number: "IA00E0070" Type of Posting: "Instrument" Status: "Proposal" Abstract: Rea International Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 01/14/2000

438. EBR Registry Number: "IA00E0069" Type of Posting: "Instrument" Status: "Proposal" Abstract: Libbey-Owens-Ford Co. Approval for discharge into the natural environment other than water (i.e. Air). - 01/14/2000

439. EBR Registry Number: "IA00E0071" Type of Posting: "Instrument" Status: "Proposal" Abstract: Brake Parts Canada Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 01/14/2000

440. EBR Registry Number: "IA00E0072" Type of Posting: "Instrument" Status: "Proposal" Abstract: Systech Retail Systems Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 01/14/2000

441. EBR Registry Number: "IA00E0073" Type of Posting: "Instrument" Status: "Proposal" Abstract: Lafarge Canada Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 01/14/2000

442. EBR Registry Number: "IA00E0075" Type of Posting: "Instrument" Status: "Proposal" Abstract: Northern Elevator Limited Approval for discharge into the natural environment other than water (i.e. Air). - 01/14/2000

443. EBR Registry Number: "IA00E0076" Type of Posting: "Instrument" Status: "Proposal" Abstract: Noreast Electronics Co. Ltd. Approval for discharge into the natural environment other than water (i.e. Air). - 01/17/2000

444. EBR Registry Number: "IA00E0077" Type of Posting: "Instrument" Status: "Proposal" Abstract: The Canadian Salt Company Limited Approval for discharge into the natural environment other than water (i.e. Air). - 01/17/2000

445. EBR Registry Number: "IA00E0078" Type of Posting: "Instrument" Status: "Proposal" Abstract: OMYA (Canada) Inc. Permit to take water. - 01/17/2000

446. EBR Registry Number: "IA00E0092" Type of Posting: "Instrument" Status: "Proposal" Abstract: 1049517 Ontario Inc., o/a. Dominion Auto Body Approval for discharge into the natural environment other than water (i.e. Air). - 01/17/2000

447. EBR Registry Number: "IA00E0093" Type of Posting: "Instrument" Status: "Proposal" Abstract: Cangel Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 01/17/2000

448. EBR Registry Number: "IA00E0091" Type of Posting: "Instrument" Status: "Proposal" Abstract: Ventra Manufacturing Division Approval for discharge into the natural environment other than water (i.e. Air). - 01/17/2000

449. EBR Registry Number: "IA00E0097" Type of Posting: "Instrument" Status: "Proposal" Abstract: Barrick Gold Corporation Approval for sewage works. - 01/18/2000

450. EBR Registry Number: "IA00E0096" Type of Posting: "Instrument" Status: "Proposal" Abstract: Cangel Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 01/18/2000

451. EBR Registry Number: "IA00E0098" Type of Posting: "Instrument" Status: "Proposal" Abstract: Blount Canada Ltd. Approval for discharge into the natural environment other than water (i.e. Air). - 01/18/2000

452. EBR Registry Number: "IA00E0100" Type of Posting: "Instrument" Status: "Proposal" Abstract: G. Cinelli-Esperia Corporation Approval for discharge into the natural environment other than water (i.e. Air). - 01/18/2000

453. EBR Registry Number: "IA00E0103" Type of Posting: "Instrument" Status: "Proposal" Abstract: J.E. Martel & Sons Limited Approval for a waste disposal site. - 01/18/2000

454. EBR Registry Number: "IA00E0102" Type of Posting: "Instrument" Status: "Proposal" Abstract: Lipton, A Division of UL Canada Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 01/18/2000

455. EBR Registry Number: "IA00E0099" Type of Posting: "Instrument" Status: "Proposal" Abstract: Wyldewood Golf and Country Club Permit to take water. - 01/18/2000

456. EBR Registry Number: "IA00E0105" Type of Posting: "Instrument" Status: "Proposal" Abstract: GSW Water Heating Company, A Division of GSW Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 01/18/2000

457. EBR Registry Number: "IA00E0108" Type of Posting: "Instrument" Status: "Proposal" Abstract: GSW Water Heating Company, A Division of GSW Inc. Approval for sewage works. - 01/18/2000

458. EBR Registry Number: "IA00E0107" Type of Posting: "Instrument" Status: "Proposal" Abstract: 1368209 Ontario Limited Permit to take water. - 01/18/2000

459. EBR Registry Number: "IA00E0111" Type of Posting: "Instrument" Status: "Proposal" Abstract: Oxy Durez Holding Company Ltd. Approval for discharge into the natural environment other than water (i.e. Air). - 01/18/2000

460. EBR Registry Number: "IA00E0115" Type of Posting: "Instrument" Status: "Proposal" Abstract: RWF Industries, A Division of Roberts Welding & Fabricating Ltd. Approval for discharge into the natural environment other than water (i.e. Air). - 01/19/2000

461. EBR Registry Number: "IA00E0116" Type of Posting: "Instrument" Status: "Proposal" Abstract: Petro Canada Approval for sewage works. - 01/19/2000

462. EBR Registry Number: "IA00E0117" Type of Posting: "Instrument" Status: "Proposal" Abstract: Cornwall and District Contracting Limited Approval for a waste disposal site. - 01/19/2000

463. EBR Registry Number: "IA00E0119" Type of Posting: "Instrument" Status: "Proposal" Abstract: Navistar International Corporation of Canada Approval for discharge into the natural environment other than water (i.e. Air). - 01/20/2000

464. EBR Registry Number: "IA00E0120" Type of Posting: "Instrument" Status: "Proposal" Abstract: FPC Flexible Packaging Corporation Approval for discharge into the natural environment other than water (i.e. Air). - 01/20/2000

465. EBR Registry Number: "IA00E0122" Type of Posting: "Instrument" Status: "Proposal" Abstract: Complete Auto Repair Services Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 01/20/2000

466. EBR Registry Number: "IA00E0123" Type of Posting: "Instrument" Status: "Proposal" Abstract: M & P Tool Products Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 01/20/2000

467. EBR Registry Number: "IA00E0124" Type of Posting: "Instrument" Status: "Proposal" Abstract: Valle Foam Industries (1995) Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 01/20/2000

468. EBR Registry Number: "IA00E0126" Type of Posting: "Instrument" Status: "Proposal" Abstract: Arborea Wood Products Inc. Approval for a waste disposal site. - 01/20/2000

469. EBR Registry Number: "IA00E0129" Type of Posting: "Instrument" Status: "Proposal" Abstract: Atlas Specialty Steels, A division of Atlas Steels Approval for discharge into the natural environment other than water (i.e. Air). - 01/21/2000

470. EBR Registry Number: "IA00E0138" Type of Posting: "Instrument" Status: "Proposal" Abstract: Vytec Corporation Approval for discharge into the natural environment other than water (i.e. Air). - 01/21/2000

471. EBR Registry Number: "IA00E0134" Type of Posting: "Instrument" Status: "Proposal" Abstract: Dana Canada Inc., Axle Plant Approval for discharge into the natural environment other than water (i.e. Air). - 01/21/2000

472. EBR Registry Number: "IA00E0132" Type of Posting: "Instrument" Status: "Proposal" Abstract: Guelph Products Textron Approval for discharge into the natural environment other than water (i.e. Air). - 01/21/2000

473. EBR Registry Number: "IA00E0139" Type of Posting: "Instrument" Status: "Proposal" Abstract: Ideal Collision Auto Centre Ltd. Approval for discharge into the natural environment other than water (i.e. Air). - 01/21/2000

474. EBR Registry Number: "IA00E0135" Type of Posting: "Instrument" Status: "Proposal" Abstract: RMF & Associates Limited Approval for discharge into the natural environment other than water (i.e. Air). - 01/21/2000

475. EBR Registry Number: "IA00E0137" Type of Posting: "Instrument" Status: "Proposal" Abstract: Casco Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 01/21/2000

476. EBR Registry Number: "IA00E0130" Type of Posting: "Instrument" Status: "Proposal" Abstract: Quebecor Printing PE&E Approval for discharge into the natural environment other than water (i.e. Air). - 01/21/2000

477. EBR Registry Number: "IT00E0008" Type of Posting: "Instrument" Status: "Proposal" Abstract: Thomas Cavanagh Construction Limited Application for variances from the Gasoline Handling Act. - 01/21/2000

478. EBR Registry Number: "IA00E0141" Type of Posting: "Instrument" Status: "Proposal" Abstract: Risdon-AMS (Canada) Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 01/24/2000

479. EBR Registry Number: "IA00E0142" Type of Posting: "Instrument" Status: "Proposal" Abstract: Classic Custom Finishing Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 01/24/2000

480. EBR Registry Number: "IA00E0143" Type of Posting: "Instrument" Status: "Proposal" Abstract: 1078815 Ontario Inc. Permit to take water. - 01/24/2000

481. EBR Registry Number: "IA00E0144" Type of Posting: "Instrument" Status: "Proposal" Abstract: 1078815 Ontario Inc. Permit to take water. - 01/24/2000

482. EBR Registry Number: "IA00E0152" Type of Posting: "Instrument" Status: "Proposal" Abstract: 1078815 Ontario Inc. Permit to take water. - 01/24/2000

483. EBR Registry Number: "IA00E0164" Type of Posting: "Instrument" Status: "Proposal" Abstract: BA Banknote Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 01/24/2000

484. EBR Registry Number: "IA00E0165" Type of Posting: "Instrument" Status: "Proposal" Abstract: Walbar Engine Components Approval for discharge into the natural environment other than water (i.e. Air). - 01/24/2000

485. EBR Registry Number: "IA00E0168" Type of Posting: "Instrument" Status: "Proposal" Abstract: Douglas Love Permit to take water. - 01/25/2000

486. EBR Registry Number: "IA00E0170" Type of Posting: "Instrument" Status: "Proposal" Abstract: Olympic Circuits Canada Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 01/25/2000

487. EBR Registry Number: "IA00E0172" Type of Posting: "Instrument" Status: "Proposal" Abstract: Dixie Electric Ltd. Approval for discharge into the natural environment other than water (i.e. Air). - 01/25/2000

488. EBR Registry Number: "IA00E0179" Type of Posting: "Instrument" Status: "Proposal" Abstract: Leisure Manufacturing Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 01/25/2000

489. EBR Registry Number: "IA00E0180" Type of Posting: "Instrument" Status: "Proposal" Abstract: Lift-Rite Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 01/25/2000

490. EBR Registry Number: "IA00E0183" Type of Posting: "Instrument" Status: "Proposal"
Abstract: 1078815 Ontario Inc. Permit to take water. - 01/26/2000

491. EBR Registry Number: "IA00E0195" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Del Laboratories (Canada) Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 01/26/2000

492. EBR Registry Number: "IA00E0190" Type of Posting: "Instrument" Status: "Proposal"
Abstract: North Hastings Aggregates Limited Permit to take water. - 01/26/2000

493. EBR Registry Number: "IA00E0199" Type of Posting: "Instrument" Status: "Proposal"
Abstract: 1078815 Ontario Inc. Permit to take water. - 01/26/2000

494. EBR Registry Number: "IA00E0200" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Canadian Spirit Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 01/26/2000

495. EBR Registry Number: "IA00E0202" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Consolidated Food Brands Inc. (Mother Jackson's Open Kitchens) Approval for discharge into the natural environment other than water (i.e. Air). - 01/26/2000

496. EBR Registry Number: "IA00E0201" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Neptunus Canada Limited Approval for discharge into the natural environment other than water (i.e. Air). - 01/26/2000

497. EBR Registry Number: "IA00E0205" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Lipton, A Division of UL Canada Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 01/27/2000

498. EBR Registry Number: "IA00E0210" Type of Posting: "Instrument" Status: "Proposal"
Abstract: 1078815 Ontario Inc. Permit to take water. - 01/27/2000

499. EBR Registry Number: "IA00E0221" Type of Posting: "Instrument" Status: "Proposal"
Abstract: 1078815 Ontario Inc. Permit to take water. - 01/27/2000

500. EBR Registry Number: "IA00E0211" Type of Posting: "Instrument" Status: "Proposal"
Abstract: 1078815 Ontario Inc. Permit to take water. - 01/27/2000

501. EBR Registry Number: "IA00E0225" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Ford Motor Company of Canada Ltd., Casting Process Development Centre (Approval for discharge into the natural environment other than water (i.e. Air). - 01/27/2000

502. EBR Registry Number: "IA00E0227" Type of Posting: "Instrument" Status: "Proposal"
Abstract: 1078815 Ontario Inc. Permit to take water. - 01/27/2000

503. EBR Registry Number: "IA00E0228" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Siematic Canada Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 01/27/2000

504. EBR Registry Number: "IA00E0213" Type of Posting: "Instrument" Status: "Proposal"
Abstract: 1078815 Ontario Inc. Permit to take water. - 01/27/2000

505. EBR Registry Number: "IA00E0219" Type of Posting: "Instrument" Status: "Proposal" Abstract: T.C. Lawrence & Sons Ltd. Approval for discharge into the natural environment other than water (i.e. Air). - 01/27/2000

506. EBR Registry Number: "IA00E0231" Type of Posting: "Instrument" Status: "Proposal" Abstract: Fisher Gauge Limited Approval for discharge into the natural environment other than water (i.e. Air). - 01/28/2000

507. EBR Registry Number: "IA00E0234" Type of Posting: "Instrument" Status: "Proposal" Abstract: Long Manufacturing Ltd., Fluid System Products Approval for discharge into the natural environment other than water (i.e. Air). - 01/28/2000

508. EBR Registry Number: "IA00E0235" Type of Posting: "Instrument" Status: "Proposal" Abstract: Bertrand Faure Components Limited Approval for discharge into the natural environment other than water (i.e. Air). - 01/28/2000

509. EBR Registry Number: "IA00E0244" Type of Posting: "Instrument" Status: "Proposal" Abstract: Kinross Gold Corporation Approval for discharge into the natural environment other than water (i.e. Air). - 02/01/2000

510. EBR Registry Number: "IA00E0250" Type of Posting: "Instrument" Status: "Proposal" Abstract: 1078815 Ontario Inc. Permit to take water. - 02/01/2000

511. EBR Registry Number: "IA00E0241" Type of Posting: "Instrument" Status: "Proposal" Abstract: Blue Danube Sasage House Ltd. Approval for discharge into the natural environment other than water (i.e. Air). - 02/01/2000

512. EBR Registry Number: "IA00E0258" Type of Posting: "Instrument" Status: "Proposal" Abstract: 1078815 Ontario Inc. Permit to take water. - 02/01/2000

513. EBR Registry Number: "IA00E0264" Type of Posting: "Instrument" Status: "Proposal" Abstract: Quadrad Manufacturing Ltd. Approval for discharge into the natural environment other than water (i.e. Air). - 02/01/2000

514. EBR Registry Number: "IA00E0266" Type of Posting: "Instrument" Status: "Proposal" Abstract: Safety-Kleen Ltd. Approval for a waste disposal site. - 02/01/2000

515. EBR Registry Number: "IF00E3009" Type of Posting: "Instrument" Status: "Proposal" Abstract: John Ford A proposal for provisional consent (no Official Plan in Place). - 02/01/2000

516. EBR Registry Number: "IA00E0267" Type of Posting: "Instrument" Status: "Proposal" Abstract: Arvin Exhaust of Canada Ltd. Approval for discharge into the natural environment other than water (i.e. Air). - 02/02/2000

517. EBR Registry Number: "IA00E0268" Type of Posting: "Instrument" Status: "Proposal" Abstract: Canroof Corporation Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 02/02/2000

518. EBR Registry Number: "IA00E0269" Type of Posting: "Instrument" Status: "Proposal" Abstract: Fine Line Collision Centre Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 02/02/2000

519. EBR Registry Number: "IA00E0271" Type of Posting: "Instrument" Status: "Proposal" Abstract: Cambridge Golf & Country Club Permit to take water. - 02/02/2000

520. EBR Registry Number: "IA00E0279" Type of Posting: "Instrument" Status: "Proposal" Abstract: Two Plus Seven Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 02/02/2000

521. EBR Registry Number: "IA00E0272" Type of Posting: "Instrument" Status: "Proposal" Abstract: Parmalat Dairy & Bakery Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 02/02/2000

522. EBR Registry Number: "IA00E0273" Type of Posting: "Instrument" Status: "Proposal" Abstract: AES Kingston Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 02/02/2000

523. EBR Registry Number: "IA00E0282" Type of Posting: "Instrument" Status: "Proposal" Abstract: U.S. Filter/Wheelabrator (Canada) Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 02/03/2000

524. EBR Registry Number: "IA00E0280" Type of Posting: "Instrument" Status: "Proposal" Abstract: Long Manufacturing Ltd. Approval for discharge into the natural environment other than water (i.e. Air). - 02/03/2000

525. EBR Registry Number: "IA00E0285" Type of Posting: "Instrument" Status: "Proposal" Abstract: Pepsi-Cola Canada Ltd./Pepsi-Co Canada Ltee. Approval for discharge into the natural environment other than water (i.e. Air). - 02/03/2000

526. EBR Registry Number: "IA00E0283" Type of Posting: "Instrument" Status: "Proposal" Abstract: B & J Machining Ltd. Approval for discharge into the natural environment other than water (i.e. Air). - 02/03/2000

527. EBR Registry Number: "IA00E0284" Type of Posting: "Instrument" Status: "Proposal" Abstract: 3M Canada Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 02/03/2000

528. EBR Registry Number: "IA00E0289" Type of Posting: "Instrument" Status: "Proposal" Abstract: Tiercon Industries Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 02/04/2000

529. EBR Registry Number: "IA00E0290" Type of Posting: "Instrument" Status: "Proposal" Abstract: Atlas Specialty Steels, A division of Atlas Steels Approval for sewage works. - 02/04/2000

530. EBR Registry Number: "IA00E0291" Type of Posting: "Instrument" Status: "Proposal" Abstract: Trim Trends Canada Limited Approval for discharge into the natural environment other than water (i.e. Air). - 02/04/2000

531. EBR Registry Number: "IA00E0292" Type of Posting: "Instrument" Status: "Proposal" Abstract: Bertrand Faure Components Ltd. Approval for discharge into the natural environment other than water (i.e. Air). - 02/04/2000

532. EBR Registry Number: "IA00E0293" Type of Posting: "Instrument" Status: "Proposal" Abstract: A.G. Simpson Co. Ltd. Approval for discharge into the natural environment other than water (i.e. Air). - 02/04/2000

533. EBR Registry Number: "IA00E0294" Type of Posting: "Instrument" Status: "Proposal" Abstract: D.A. Stuart Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 02/04/2000

534. EBR Registry Number: "IA00E0297" Type of Posting: "Instrument" Status: "Proposal" Abstract: Associated Packaging Enterprises, Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 02/07/2000

535. EBR Registry Number: "IA00E0296" Type of Posting: "Instrument" Status: "Proposal" Abstract: Hunter's Pointe Golf Course Permit to take water. - 02/07/2000

536. EBR Registry Number: "IA00E0299" Type of Posting: "Instrument" Status: "Proposal" Abstract: Sav-Tech Solvent Inc. Approval for a waste disposal site. - 02/07/2000

537. EBR Registry Number: "IA00E0300" Type of Posting: "Instrument" Status: "Proposal" Abstract: Unifin International Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 02/07/2000

538. EBR Registry Number: "IF00E3012" Type of Posting: "Instrument" Status: "Proposal" Abstract: 413303 Ontario Ltd., A proposal for provisional consent (no Official Plan in Place). - 02/07/2000

539. EBR Registry Number: "IF00E3013" Type of Posting: "Instrument" Status: "Proposal" Abstract: Rene Brosseau, A proposal for provisional consent (no Official Plan in Place). - 02/07/2000

540. EBR Registry Number: "IA00E0306" Type of Posting: "Instrument" Status: "Proposal" Abstract: 731695 Ontario Ltd. Approval for discharge into the natural environment other than water (i.e. Air). - 02/08/2000

541. EBR Registry Number: "IA00E0308" Type of Posting: "Instrument" Status: "Proposal" Abstract: Lawson, Mardon Packaging Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 02/08/2000

542. EBR Registry Number: "IA00E0310" Type of Posting: "Instrument" Status: "Proposal" Abstract: Oxy Vinyls Canada Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 02/08/2000

543. EBR Registry Number: "IA00E0312" Type of Posting: "Instrument" Status: "Proposal" Abstract: A.G. Simpson Co. Ltd. Approval for discharge into the natural environment other than water (i.e. Air). - 02/09/2000

544. EBR Registry Number: "IA00E0315" Type of Posting: "Instrument" Status: "Proposal" Abstract: 1275553 Ontario Inc. Permit to take water. - 02/09/2000

545. EBR Registry Number: "IA00E0318" Type of Posting: "Instrument" Status: "Proposal" Abstract: Blue Circle Aggregates Approval for a waste disposal site. - 02/10/2000

546. EBR Registry Number: "IT00E0012" Type of Posting: "Instrument" Status: "Proposal" Abstract: Shell Canada Products Ltd. Application for variances from the Gasoline Handling Act. - 02/10/2000

547. EBR Registry Number: "IA00E0321" Type of Posting: "Instrument" Status: "Proposal" Abstract: Markham Green Golf & Country Club Permit to take water. - 02/10/2000

548. EBR Registry Number: "IA00E0323" Type of Posting: "Instrument" Status: "Proposal" Abstract: Abbey Store Fixtures Ltd. Approval for discharge into the natural environment other than water (i.e. Air). - 02/10/2000

549. EBR Registry Number: "IA00E0324" Type of Posting: "Instrument" Status: "Proposal" Abstract: Rapid Tank Cleaning Limited Approval for discharge into the natural environment other than water (i.e. Air). - 02/10/2000

550. EBR Registry Number: "IA00E0325" Type of Posting: "Instrument" Status: "Proposal" Abstract: Nortel Networks Corporation, Palladium One Approval for discharge into the natural environment other than water (i.e. Air). - 02/10/2000

551. EBR Registry Number: "IA00E0327" Type of Posting: "Instrument" Status: "Proposal" Abstract: 509235 Ontario Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 02/10/2000

552. EBR Registry Number: "IA00E0332" Type of Posting: "Instrument" Status: "Proposal" Abstract: R. Farrish Const. (1989) Ltd. Approval for discharge into the natural environment other than water (i.e. Air). - 02/11/2000

553. EBR Registry Number: "IA00E0331" Type of Posting: "Instrument" Status: "Proposal" Abstract: Muskrat Dam First Nation Approval for a waste disposal site. - 02/11/2000

554. EBR Registry Number: "IA00E0330" Type of Posting: "Instrument" Status: "Proposal" Abstract: General Electric Canada Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 02/11/2000

555. EBR Registry Number: "IA00E0336" Type of Posting: "Instrument" Status: "Proposal" Abstract: Nova Chemicals (Canada) Ltd. Approval for discharge into the natural environment other than water (i.e. Air). - 02/11/2000

556. EBR Registry Number: "IA00E0335" Type of Posting: "Instrument" Status: "Proposal" Abstract: Acryx Industries Inc. Approval for discharge into the natural environment other than water (i e. Air). - 02/11/2000

557. EBR Registry Number: "IA00E0337" Type of Posting: "Instrument" Status: "Proposal" Abstract: Robert Burrows B.A. Turf Manager Permit to take water. - 02/14/2000

558. EBR Registry Number: "IA00E0339" Type of Posting: "Instrument" Status: "Proposal" Abstract: Algonquin Group Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 02/14/2000

559. EBR Registry Number: "IA00E0341" Type of Posting: "Instrument" Status: "Proposal" Abstract: Intertec Systems Approval for discharge into the natural environment other than water (i.e. Air). - 02/14/2000

560. EBR Registry Number: "IA00E0342" Type of Posting: "Instrument" Status: "Proposal" Abstract: Algonquin Group Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 02/14/2000

561. EBR Registry Number: "IA00E0340" Type of Posting: "Instrument" Status: "Proposal" Abstract: Ken Truax Construction Ltd. Permit to take water. - 02/14/2000

562. EBR Registry Number: "IA00E0344" Type of Posting: "Instrument" Status: "Proposal" Abstract: Spartech Plastics, a Division of Spartech Canada, Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 02/15/2000

563. EBR Registry Number: "IA00E0345" Type of Posting: "Instrument" Status: "Proposal" Abstract: Econo Lift Limited Approval for discharge into the natural environment other than water (i.e. Air). - 02/16/2000

564. EBR Registry Number: "IA00E0347" Type of Posting: "Instrument" Status: "Proposal" Abstract: Pineland Greens Golf Course Permit to take water. - 02/16/2000

565. EBR Registry Number: "IA00E0348" Type of Posting: "Instrument" Status: "Proposal" Abstract: Craytech Painted Plastics Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 02/17/2000

566. EBR Registry Number: "IA00E0351" Type of Posting: "Instrument" Status: "Proposal" Abstract: Baywood Homes Permit to take water. - 02/17/2000

567. EBR Registry Number: "IA00E0353" Type of Posting: "Instrument" Status: "Proposal" Abstract: Jungbunzlauer Canada Inc. Permit to take water. - 02/17/2000

568. EBR Registry Number: "IA00E0355" Type of Posting: "Instrument" Status: "Proposal" Abstract: Atlas Specialty Steels, A division of Atlas Steels Approval for discharge into the natural environment other than water (i.e. Air). - 02/18/2000

569. EBR Registry Number: "IA00E0357" Type of Posting: "Instrument" Status: "Proposal" Abstract: Quebecor Printing Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 02/18/2000

570. EBR Registry Number: "IA00E0358" Type of Posting: "Instrument" Status: "Proposal" Abstract: Brake Parts Canada Inc Approval for discharge into the natural environment other than water (i.e. Air). - 02/18/2000

571. EBR Registry Number: "IA00E0359" Type of Posting: "Instrument" Status: "Proposal" Abstract: Cabot Canada Ltd. Approval for discharge into the natural environment other than water (i.e. Air). - 02/18/2000

572. EBR Registry Number: "IA00E0361" Type of Posting: "Instrument" Status: "Proposal" Abstract: Bryan Van Den Bosch Permit to take water. - 02/18/2000

573. EBR Registry Number: "IA00E0363" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Cassel View Golf & Country Club Permit to take water. - 02/18/2000

574. EBR Registry Number: "IA00E0366" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Norfolk Co-Operative Co. Ltd. Approval for discharge into the natural environment other than water (i.e. Air). - 02/21/2000

575. EBR Registry Number: "IA00E0370" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Conor Pacific Environmental Technologies Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 02/21/2000

576. EBR Registry Number: "IA00E0372" Type of Posting: "Instrument" Status: "Proposal"
Abstract: CGL Manufacturing Ltd. Approval for discharge into the natural environment other than water (i.e. Air). - 02/21/2000

577. EBR Registry Number: "IA00E0373" Type of Posting: "Instrument" Status: "Proposal"
Abstract: H. B. Fuller Canada Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 02/21/2000

578. EBR Registry Number: "IA00E0374" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Clublink Capital Corporation Approval for sewage works. - 02/22/2000

579. EBR Registry Number: "IA00E0376" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Burlington Technologies Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 02/22/2000

580. EBR Registry Number: "IA00E0378" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Meretty Salvage Approval for discharge into the natural environment other than water (i.e. Air). - 02/22/2000

581. EBR Registry Number: "IA00E0379" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Ventra Group Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 02/22/2000

582. EBR Registry Number: "IF00E1003" Type of Posting: "Instrument" Status: "Proposal"
Abstract: The Township of Nipissing Approval of an Official Plan Amendment. - 02/22/2000

583. EBR Registry Number: "IA00E0387" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Sentinel Laboratories Limited Approval for discharge into the natural environment other than water (i.e. Air). - 02/23/2000

584. EBR Registry Number: "IA00E0390" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Club Link Capital Corporation Permit to take water. - 02/24/2000

585. EBR Registry Number: "IA00E0391" Type of Posting: "Instrument" Status: "Proposal"
Abstract: King Cole Ducks Limited Permit to take water. - 02/24/2000

586. EBR Registry Number: "IA00E0393" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Luzenac Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 02/25/2000

587. EBR Registry Number: "IF00E3015" Type of Posting: "Instrument" Status: "Proposal" Abstract: Ralph Jell, A proposal for provisional consent (no Official Plan in Place). - 02/25/2000

588. EBR Registry Number: "IA00E0396" Type of Posting: "Instrument" Status: "Proposal" Abstract: Splitcraft Approval for discharge into the natural environment other than water (i.e. Air). - 02/25/2000

589. EBR Registry Number: "IF00E3016" Type of Posting: "Instrument" Status: "Proposal" Abstract: Mark and Carla Devlin Scott A proposal for provisional consent (no Official Plan in Place). - 02/28/2000

590. EBR Registry Number: "IA00E0404" Type of Posting: "Instrument" Status: "Proposal" Abstract: 1215955 Ontario Ltd. Approval for discharge into the natural environment other than water (i.e. Air). - 02/29/2000

591. EBR Registry Number: "IA00E0407" Type of Posting: "Instrument" Status: "Proposal" Abstract: Guelph Golf and Recreation Club Permit to take water. - 02/29/2000

592. EBR Registry Number: "IA00E0403" Type of Posting: "Instrument" Status: "Proposal" Abstract: Wilson & Daleo Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 02/29/2000

593. EBR Registry Number: "IA00E0408" Type of Posting: "Instrument" Status: "Proposal" Abstract: Lafarge Canada Inc. Permit to take water. - 02/29/2000

594. EBR Registry Number: "IA00E0409" Type of Posting: "Instrument" Status: "Proposal" Abstract: James K. Hurson Permit to take water. - 02/29/2000

595. EBR Registry Number: "IA00E0411" Type of Posting: "Instrument" Status: "Proposal" Abstract: Gary Steacy Dismantling Limited Approval for a waste disposal site. - 02/29/2000

596. EBR Registry Number: "IA00E0414" Type of Posting: "Instrument" Status: "Proposal" Abstract: Polyphalt Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 02/29/2000

597. EBR Registry Number: "IA00E0415" Type of Posting: "Instrument" Status: "Proposal" Abstract: Trench Approval for discharge into the natural environment other than water (i.e. Air). - 02/29/2000

598. EBR Registry Number: "IA00E0416" Type of Posting: "Instrument" Status: "Proposal" Abstract: Dominion Colour Corporation Approval for discharge into the natural environment other than water (i.e. Air). - 02/29/2000

599. EBR Registry Number: "IA00E0417" Type of Posting: "Instrument" Status: "Proposal" Abstract: Macron Industries Corp'n. Approval for discharge into the natural environment other than water (i.e. Air). - 03/01/2000

600. EBR Registry Number: "IA00E0418" Type of Posting: "Instrument" Status: "Proposal" Abstract: Hudson Bay mining and Smelting Co. Limited Approval for discharge into the natural environment other than water (i.e. Air). - 03/01/2000

601. EBR Registry Number: "IA00E0419" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Barrie Raceway Holdings Limited Approval for sewage works. - 03/01/2000

602. EBR Registry Number: "IF00E3017" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Nellie Nickel, Alan Ronald, Patricia & David Doner, Victor & Helen Janzen, A proposal for provisional consent (no Official Plan in Place). - 03/01/2000

603. EBR Registry Number: "IF00E3018" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Nellie Nickel, Alan Ronald, Patricia & David Doner, Victor & Helen Janzen, A proposal for provisional consent (no Official Plan in Place). - 03/01/2000

604. EBR Registry Number: "IA00E0421" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Hodwitz Enterprises Permit to take water. - 03/03/2000

605. EBR Registry Number: "IA00E0422" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Ford Motor Company of Canada Ltd. Essex Manufacturing Approval for discharge into the natural environment other than water (i.e. Air). - 03/03/2000.

606. EBR Registry Number: "IA00E0423" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Gates Canada Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 03/03/2000

607. EBR Registry Number: "IA00E0431" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Johnson Mathey Limited Approval for discharge into the natural environment other than water (i.e. Air). - 03/06/2000

608. EBR Registry Number: "IA00E0434" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Adams Canada Approval for discharge into the natural environment other than water (i.e. Air). - 03/07/2000

609. EBR Registry Number: "IA00E0439" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Armada Toolworks Limited Approval for discharge into the natural environment other than water (i.e. Air). - 03/07/2000

610. EBR Registry Number: "IA00E0436" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Eston Manufacturing Approval for discharge into the natural environment other than water (i.e. Air). - 03/07/2000

611. EBR Registry Number: "IA00E0444" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Ethyl Canada Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 03/08/2000

612. EBR Registry Number: "IA00E0446" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Nova Chemicals (Canada) Ltd. Approval for a waste disposal site. - 03/08/2000

613. EBR Registry Number: "IA00E0438" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Integrity Testing Laboratory Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 03/09/2000

614. EBR Registry Number: "IA00E0447" Type of Posting: "Instrument" Status: "Proposal" Abstract: Roto-Form Approval for discharge into the natural environment other than water (i.e. Air). - 03/09/2000

615. EBR Registry Number: "IA00E0448" Type of Posting: "Instrument" Status: "Proposal" Abstract: Richard Butler Permit to take water. - 03/09/2000

616. EBR Registry Number: "IA00E0449" Type of Posting: "Instrument" Status: "Proposal" Abstract: Washington Mills Electro Min. Corp. Approval of a program preventing, reducing, or controlling discharge. - 03/09/2000

617. EBR Registry Number: "IA00E0453" Type of Posting: "Instrument" Status: "Proposal" Abstract: The Niagara Parks Commission Permit to take water. - 03/10/2000

618. EBR Registry Number: "IA00E0456" Type of Posting: "Instrument" Status: "Proposal" Abstract: Maplewyld Development Inc. Permit to take water. - 03/13/2000

619. EBR Registry Number: "IF00E3019" Type of Posting: "Instrument" Status: "Proposal" Abstract: Township of Chapleau, Approval of an Official Plan Amendment. - 03/13/2000

620. EBR Registry Number: "IA00E0458" Type of Posting: "Instrument" Status: "Proposal" Abstract: Color Tech Coatings Ltd. Approval for discharge into the natural environment other than water (i.e. Air). - 03/13/2000

621. EBR Registry Number: "IA00E0459" Type of Posting: "Instrument" Status: "Proposal" Abstract: Fort James Canada Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 03/13/2000

622. EBR Registry Number: "IA00E0461" Type of Posting: "Instrument" Status: "Proposal" Abstract: Blue Mountain Resorts Limited Permit to take water. - 03/13/2000

623. EBR Registry Number: "IA00E0465" Type of Posting: "Instrument" Status: "Proposal" Abstract: Louis W. Bray Construction Limited Permit to take water. - 03/14/2000

624. EBR Registry Number: "IA00E0471" Type of Posting: "Instrument" Status: "Proposal" Abstract: Thomas' Fine Furniture Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 03/14/2000

625. EBR Registry Number: "IA00E0476" Type of Posting: "Instrument" Status: "Proposal" Abstract: Taktaz Auto Body Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 03/14/2000

626. EBR Registry Number: "IA00E0477" Type of Posting: "Instrument" Status: "Proposal" Abstract: 1130460 Ontario Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 03/14/2000

627. EBR Registry Number: "IA00E0320" Type of Posting: "Instrument" Status: "Proposal" Abstract: Mill Run Golf and Country Club Permit to take water. - 03/14/2000

628. EBR Registry Number: "IA00E0481" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Ford Motor Company of Canada Approval for discharge into the natural environment other than water (i.e. Air). - 03/15/2000

629. EBR Registry Number: "IA00E0482" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Domtar Forest Products Approval for a waste disposal site. - 03/15/2000

630. EBR Registry Number: "IA00E0483" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Zircatec Precision Industries Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 03/15/2000

631. EBR Registry Number: "IA00E0484" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Bridgestone/Firestone Canada Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 03/15/2000

632. EBR Registry Number: "IA00E0485" Type of Posting: "Instrument" Status: "Proposal"
Abstract: LTC Monarch Environmental Consulting Ltd. Approval for a waste disposal site. - 03/15/2000.

633. EBR Registry Number: "IA00E0487" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Bridgestone/Firestone Canada Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 03/15/2000

634. EBR Registry Number: "IA00E0488" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Bridgestone/Firestone Canada Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 03/15/2000

635. EBR Registry Number: "IF00E3021" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Gene and Stephanie Andrusco. A proposal for provisional consent (no Official Plan in Place). - 03/15/2000

636. EBR Registry Number: "IA00E0490" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Bridgestone/Firestone Canada Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 03/16/2000

637. EBR Registry Number: "IA00E0492" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Bridgestone/Firestone Canada Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 03/16/2000

638. EBR Registry Number: "IA00E0491" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Bridgestone/Firestone Canada Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 03/16/2000

639. EBR Registry Number: "IA00E0498" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Ontario Independent Crematoriums Limited Approval for discharge into the natural environment other than water (i.e. Air). - 03/16/2000

640. EBR Registry Number: "IA00E0497" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Sun Chemical Limited Approval for discharge into the natural environment other than water (i.e. Air). - 03/16/2000

641. EBR Registry Number: "IA00E0501" Type of Posting: "Instrument" Status: "Proposal" Abstract: Royal Polymers Limited Approval for discharge into the natural environment other than water (i.e. Air). - 03/17/2000

642. EBR Registry Number: "IA00E0502" Type of Posting: "Instrument" Status: "Proposal" Abstract: Inco Limited Approval for discharge into the natural environment other than water (i.e. Air). - 03/17/2000

643. EBR Registry Number: "IA00E0505" Type of Posting: "Instrument" Status: "Proposal" Abstract: Canadian Blue Bird Coach, Ltd. Approval for discharge into the natural environment other than water (i.e. Air). - 03/20/2000

644. EBR Registry Number: "IA00E0506" Type of Posting: "Instrument" Status: "Proposal" Abstract: Ergotech (1993) Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 03/20/2000

645. EBR Registry Number: "IA00E0507" Type of Posting: "Instrument" Status: "Proposal" Abstract: Cemtol Mfg. Ltd. Approval for discharge into the natural environment other than water (i.e. Air). - 03/20/2000

646. EBR Registry Number: "IA00E0508" Type of Posting: "Instrument" Status: "Proposal" Abstract: Ontario Power Generation Approval for discharge into the natural environment other than water (i.e. Air). - 03/20/2000

647. EBR Registry Number: "IA00E0514" Type of Posting: "Instrument" Status: "Proposal" Abstract: Philip Enterprises Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 03/20/2000

648. EBR Registry Number: "IA00E0515" Type of Posting: "Instrument" Status: "Proposal" Abstract: Lush Yorkville Holdings Ltd. Approval for discharge into the natural environment other than water (i.e. Air). - 03/20/2000

649. EBR Registry Number: "IA00E0512" Type of Posting: "Instrument" Status: "Proposal" Abstract: Khadim Hussain Permit to take water. - 03/20/2000

650. EBR Registry Number: "IA00E0510" Type of Posting: "Instrument" Status: "Proposal" Abstract: Welco Castings (1993) Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 03/20/2000

651. EBR Registry Number: "IA00E0519" Type of Posting: "Instrument" Status: "Proposal" Abstract: ClubLink Capital Corporation Permit to take water. - 03/21/2000

652. EBR Registry Number: "IA00E0520" Type of Posting: "Instrument" Status: "Proposal" Abstract: Naizil Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 03/21/2000

653. EBR Registry Number: "IA00E0522" Type of Posting: "Instrument" Status: "Proposal" Abstract: Solid Touch Products Limited Approval for discharge into the natural environment other than water (i.e. Air). - 03/21/2000

654. EBR Registry Number: "IA00E0523" Type of Posting: "Instrument" Status: "Proposal" Abstract: Belleville Cemetery Company Approval for discharge into the natural environment other than water (i.e. Air). - 03/21/2000

655. EBR Registry Number: "IA00E0524" Type of Posting: "Instrument" Status: "Proposal" Abstract: Dynastart Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 03/21/2000

656. EBR Registry Number: "IA00E0528" Type of Posting: "Instrument" Status: "Proposal" Abstract: Wescast Industries Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 03/21/2000

657. EBR Registry Number: "IA00E0534" Type of Posting: "Instrument" Status: "Proposal" Abstract: Ferraro Auto Collision Ltd. Approval for discharge into the natural environment other than water (i.e. Air). - 03/22/2000

658. EBR Registry Number: "IA00E0532" Type of Posting: "Instrument" Status: "Proposal" Abstract: Ford Motor Company of Canada Ltd. Essex Manufacturing Approval for discharge into the natural environment other than water (i.e. Air). - 03/22/2000

659. EBR Registry Number: "IA00E0533" Type of Posting: "Instrument" Status: "Proposal" Abstract: Autoland Chrysler (1981) Ltd. Approval for discharge into the natural environment other than water (i.e. Air). - 03/22/2000

660. EBR Registry Number: "IA00E0537" Type of Posting: "Instrument" Status: "Proposal" Abstract: Tor-Pharm Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 03/22/2000

661. EBR Registry Number: "IA00E0539" Type of Posting: "Instrument" Status: "Proposal" Abstract: ETM Electrical Services Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 03/23/2000

662. EBR Registry Number: "IA00E0542" Type of Posting: "Instrument" Status: "Proposal" Abstract: Fleetwood Canada Ltd. Approval for discharge into the natural environment other than water (i.e. Air). - 03/23/2000

663. EBR Registry Number: "IA00E0384" Type of Posting: "Instrument" Status: "Proposal" Abstract: Kleen-Flo Tumbler Industries Limited Approval for discharge into the natural environment other than water (i.e. Air). - 03/23/2000

664. EBR Registry Number: "IF00E3022" Type of Posting: "Instrument" Status: "Proposal" Abstract: Angele Miron, A proposal for provisional consent (no Official Plan in Place). - 03/24/2000

665. EBR Registry Number: "IA00E0545" Type of Posting: "Instrument" Status: "Proposal" Abstract: Protec Finishing Limited Approval for discharge into the natural environment other than water (i.e. Air). - 03/24/2000

666. EBR Registry Number: "IA00E0550" Type of Posting: "Instrument" Status: "Proposal" Abstract: Lear Corporation Canada Limited Approval for discharge into the natural environment other than water (i.e. Air). - 03/28/2000

667. EBR Registry Number: "IA00E0551" Type of Posting: "Instrument" Status: "Proposal" Abstract: Brock Ford Sales Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 03/28/2000

668. EBR Registry Number: "IA00E0556" Type of Posting: "Instrument" Status: "Proposal" Abstract: Atikokan Forest Products Ltd. Order prohibiting or regulating discharge of sewage into water. - 03/29/2000

669. EBR Registry Number: "IA00E0517" Type of Posting: "Instrument" Status: "Proposal" Abstract: Rothsay, The Rendering Division of Maple Leaf Foods Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 03/29/2000

670. EBR Registry Number: "IA00E0555" Type of Posting: "Instrument" Status: "Proposal" Abstract: Poly-Nova Technologies Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 03/29/2000

671. EBR Registry Number: "IA00E0558" Type of Posting: "Instrument" Status: "Proposal" Abstract: Owens Corning Canada Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 03/29/2000

672. EBR Registry Number: "IA00E0562" Type of Posting: "Instrument" Status: "Proposal" Abstract: Viking Pump of Canada Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 03/30/2000

673. EBR Registry Number: "IA00E0564" Type of Posting: "Instrument" Status: "Proposal" Abstract: B & W Heat Treating (1975) Limited Approval for discharge into the natural environment other than water (i.e. Air). - 03/30/2000

674. EBR Registry Number: "IA00E0566" Type of Posting: "Instrument" Status: "Proposal" Abstract: Columbia-MBF Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 03/30/2000

675. EBR Registry Number: "IA00E0568" Type of Posting: "Instrument" Status: "Proposal" Abstract: Nortel Networks Corporation, Palladium One Approval for discharge into the natural environment other than water (i.e. Air). - 03/30/2000

676. EBR Registry Number: "IA00E0242" Type of Posting: "Instrument" Status: "Proposal" Abstract: Labatt Brewing Company Limited Approval for discharge into the natural environment other than water (i.e. Air). - 03/30/2000

677. EBR Registry Number: "IA00E0573" Type of Posting: "Instrument" Status: "Proposal" Abstract: Cangel Inc. Approval for discharge into the natural environment other than water (i.e. Air). - 03/31/2000

678. EBR Registry Number: "IA00E0572" Type of Posting: "Instrument" Status: "Proposal" Abstract: Hyde Park Collision Ltd. Approval for discharge into the natural environment other than water (i.e. Air). - 03/31/2000

679. EBR Registry Number: "IA00E0571" Type of Posting: "Instrument" Status: "Proposal" Abstract: Stackpole Limited Approval for discharge into the natural environment other than water (i.e. Air). - 03/31/2000

680. EBR Registry Number: "IF00E3025" Type of Posting: "Instrument" Status: "Proposal"
Abstract: The Township of Front of Leeds & Lansdowne Approval of an Official Plan. - 03/31/2000

681. EBR Registry Number: "IA00E0574" Type of Posting: "Instrument" Status: "Proposal"
Abstract: Bearskin Lake First Nation Approval for a waste disposal site. - 03/31/2000

S6 Need for Action

Description	Status / Ministry Comment	ECO Commentary
Ministry of the Environment		
PA7E0001 A Guide to Preparing Terms of Reference for Individual Environmental Assessments Posted: 19-Feb-97 Comment Period: 30 days	MOE staff informed ECO staff that as of the end of March 2000, they were still working on preparing the guide.	The draft guide included direction to post environmental assessment terms of reference on the Registry for public comment. The ECO urges the ministry to finalize its guidance to clarify how the public will be given notice and an opportunity to comment on proposed terms of reference. The ministry should post an update on the Registry to inform residents of the status of this proposal.
PA7E0005 Amendment to Compliance Guideline F-2 Posted: 08-Jul-97 Comment Period: 45 days	According to a ministry official, the amendments were finalized in early 1998. On June 18, 1999, MOE told the ECO that the decision notice was being prepared.	The Compliance Guideline describes the ministry's approach to compliance and provides guidance to MOE abatement and enforcement staff. The decision notice should be posted as soon as possible.
PA8E0001 Ontario's Smog Plan: A Partnership for Collective Action Posted: 20-Jan-98 Comment Period: 90 days	In September 2000 MOE told the ECO that "...Ontario`s Anti-Smog Action Plan is an evolving process. Progress information and decision notices will be posted on the Registry and MOE web site."	Ministers Tony Clement and Dan Newman have referred to the renamed Anti-Smog Action Plan in various media reports, news releases and speeches as if a decision has been made and the policy is operational. The decision notice should be posted as soon as possible, to inform the public that the policy is being implemented, and to describe the effect of public comments on the decision. See also p.81 of the annual report.

Description	Status / Ministry Comment	ECO Commentary
PA8E0029 Proposed 1998 Model Sewer Use Bylaw Posted: 16-Jun-98 Comment Period: 60 days	In September 2000 MOE told the ECO that: "Based on comments received, the ministry has decided to develop a technical guidance document to assist municipalities in developing their own local sewer use bylaws instead of updating the Model Sewer Use Bylaw...It is anticipated that the draft document will be posted on the Registry in the fall of 2000."	The current version of the model bylaw was developed in 1988. The latest knowledge indicates that limits for some substances require updating and limits need to be set for some previously unregulated substances. The City of Toronto has proposed a new sewer use bylaw that contains measures that go well beyond the 1988 model bylaw. MOE's 1988 model sewer use bylaw is dated and requires significant revisions in many areas. The ministry should post an update or a decision notice on this proposal. See also p.83 of the annual report.
RA7E0018 to RA7E0026 Various Regulations Implementing the policy document Better, Stronger, Clearer Posted: End of December 1997 Comment Period: Usually 45 days	Several proposals from December 1997 remain on the Registry. On June 18, 1999, MOE stated that these proposals were still under review.	The ministry should post an update on the Registry to inform residents of the status of these proposals or express its intention not to proceed with them. See also p.80 of the annual report.

Description	Status / Ministry Comment	ECO Commentary
RA8E0023 Draft Waste Management Regulation Posted: 02-Jun-98 Comment Period: 100 days	At the end of 1998, MOE advised the ECO that ministry staff were still reviewing the approximately 130 comments received and developing a strategy to prioritize the components.	The ministry amended Reg. 347 in September 1999, and proposed another amendment in February 2000. Neither of these amendments appears to be related to the amendments proposed in 1998. MOE received an *EBR* application for review related to Reg. 347 in 1998 and denied it on the basis that a review was already in progress. MOE received another application for review related to Reg. 347 in late 1999 and again responded in 2000 that a review was already in progress. The ministry should post an update on the status of the proposal and, if appropriate, provide for another round of public consultation on this significant initiative. See also p.100 of the annual report.
Ministry of Natural Resources		
PB6E7001 Forest Operations Prescription Guidelines Posted: 04-Jun-96 Comment Period: 30 days	MNR told the ECO in September 2000 that "MNR is reviewing further actions necessary for the development and completion of the Forest Operations Prescription Manual."	The ministry should post an update on the Registry to inform residents of the status of this proposal. See also p.84 of the annual report.
PB7E4006 Guidelines for the Preparation of Regional Land Use Strategies - Working Draft Posted: 01-Oct-97 Comment Period: 30 days	In August 1998 MNR staff informed ECO staff that these guidelines were not finalized or implemented in the Lands For Life/Ontario's Living Legacy planning process. Ontario's Living Legacy Land Use Plan has now been completed.	The ministry should post a decision notice on the Registry to inform the public that the ministry decided not to finalize the guidelines.

Description	Status / Ministry Comment	ECO Commentary
PB7E6009 Conservation Strategy for Old Growth Forest Ecosystems on Crown Land in Ontario Posted: 02-Jul-97 Comment Period: 30 days	MNR told the ECO in September 2000 that "MNR is committed to completing the Old Growth Strategy....Additional notice on the Environmental Registry will occur at appropriate times during completion of the Old Growth Strategy."	As the ECO reported in 1998, the strategy was not finalized in time to be used in the Lands for Life/Ontario's Living Legacy planning process. The ECO continues to urge MNR to finalize the conservation strategy. Two of the Lands for Life Round Tables recommended that MNR complete its work on developing conservation strategies for old growth species other than white and red pine. In its March 1999 response to the Round Tables' recommendations, MNR accepted these proposals. While the Conservation Strategy has not yet been finalized, MNR protected several old growth red and white pine forests in the Ontario's Living Legacy Land Use Strategy. MNR should post an update on the Registry to inform the public about the status of this proposal. See also p.84 of the annual report.
PB8E6019 Forest Management Guidelines for the Conservation of Woodland Caribou: A Landscape Approach - for use in northwestern Ontario Posted: 01-Sep-98 Comment Period: 30 days	MNR informed the ECO in September 2000 that it is reconsidering the direction in the caribou guideline, and that Registry notice would be provided in fall 2000.	The draft guideline has been implemented already, as per MNR direction dated March 4, 1999. MNR should post a decision notice on the Registry to inform the public that a decision was made to implement the guidelines, and to describe the effect of public comment on the guidelines. If MNR is reconsidering the direction in the guidelines, it should post a new proposal notice to solicit public comment before revised guidelines are implemented. See also p.84 of the annual report.

Description	Status / Ministry Comment	ECO Commentary
Ministry of Municipal Affairs and Housing		
PF8E0001 Proposed Regulation to Establish a Development Permit System Posted: 21-Apr-98 Comment Period: 30 days	In July 2000 MMAH informed the ECO that "the ministry is continuing to work with an advisory committee made up of key stakeholders on the proposed Development Permit System. As soon as the ministry decides whether or not to proceed with the regulation, the *EBR* will be updated appropriately."	The ministry should post an update on the Registry to inform residents of the status of this proposal.
AF8E0002 A Proposed New Municipal Act Posted: 07-Apr-98 Comment Period: 30 days	In July 2000 MMAH informed the ECO that "the ministry is continuing to resolve the many complex and important issues related to development of this significant municipal foundation legislation that have emerged since the release of the draft proposed new Municipal Act in 1998 and will continue to consult with affected stakeholders. No date has been set for introduction of such legislation. MMAH will post the appropriate notices on the *EBR* Registry at the appropriate time."	The ministry should post an update on the Registry to inform residents of the status of this proposal. If the minister introduces legislation substantially different from the 1998 proposal, the ministry should post a revised proposal for public comment.
RF9E0001 Regulation to prescribe s.29(1)(a) and s. 34 of the *Building Code Act, 1992* under the *EBR* Posted: 14-Jan-99 Comment Period: 60 days	In July 2000, MMAH told the ECO that "A final decision on whether to proceed with the proposed regulation to prescribe the septics provisions of the *BCA* under the *EBR* has not yet been made. When a decision is made, appropriate notices will be posted on the *EBR* Registry."	The ministry has issued Orders under these sections of the *Building Code Act* over the past year. Because these two regulations have not been filed, the ministry was not required to post these Orders on the Registry and the public was not able to comment. The ministry should proceed with these proposals and post a decision notice as soon as possible.
RF9E0002 Classification of proposals for instruments under the *Building Code Act, 1992* Posted: 14-Jan-99 Comment Period: 60 days		

S7. SUMMARY OF THE ECO REVIEWS OF APPLICATIONS FOR REVIEW AND APPLICATIONS FOR INVESTIGATION

NOTE: An allegation contained in an application may or may not have been proven to be an offence under the laws of Ontario or Canada

Status	Description	Ministry Response	ECO Findings/ Comments
R0003-R0231, R0233-241: Interim Ontario Drinking Water Objective for Tritium (MOE) **Review Undertaken April 1995** **Review Completed August 1999**	The applicants were concerned about MOE's decision to establish an interim Ontario Drinking Water Objective for Tritium (ODWO) for the level of tritium in drinking water at 7000 Bq/L. ACES recommended that tritium levels be set at 100 Bq/L and reduced to 20 Bq/L over the next five years. **Related to Registry Posting: PA9E0006**	In response to the large number of applications submitted on this subject, MOE asked the federal government for advice on the interim objective of 7000 Bq/L. In response to this request, the President of the Atomic Energy Control Board and the Assistant Deputy Minister of the Health Protection Branch of Health Canada established a Joint Working Group to review the approach used to develop the proposed drinking water standard. The Joint Working Group reviewed the approaches used in the establishment of drinking water standards for both ionizing radiation and toxic chemicals. The Working Group concluded that the approaches used to establish drinking water standards, including the approach used to recommend the standard for tritium in drinking water, have been well developed and provide a high degree of public health protection. MOE accepted these conclusions. Consequently, MOE proposed adopting the Canadian Drinking Water Guidelines for more than 70 radionuclides, including tritium, as Ontario Drinking Water Objectives. Notice of the proposal was placed on the Environmental Registry in August 1999 for a 60-day comment period. This proposal was to establish that, where tritium is the only radionuclide present in a drinking water supply, the Ontario Drinking Water Objective is 7000 Bq/L. However, by March 31, 2000, 7 months later, no decision had been posted.	The ECO appreciates the complexity of this issue and acknowledges that the process followed by MOE in deferring to the expert Joint Working Group established by the Atomic Energy Control Board and Health Canada has produced a credible result. In previous annual reports, the ECO has been critical of the amount of time required by MOE to complete this review. From the perspective of the applicants, the ministry could have involved the applicants in the process, and at a minimum, kept them informed of the status of the review. The applicants could have been invited, for example, to make submissions to the Joint Working Group. They could have been informed that a proposal to adopt the Canadian Drinking Water Guidelines was posted in August 1999 with a 60-day comment period. MOE confirmed in November 1999 that, apart from the initial correspondence with the applicants, no further information was provided to them.

Status	Description	Ministry Response	ECO Findings/ Comments
R0266: Review of regulations for refillable containers for carbonated soft drinks (MOE) **Review Undertaken September 1995**	The applicants wanted Reg. 340 (container regulation) and s.3 of Reg. 357 (refillable containers for soft drinks) under the *EPA* to be replaced with policies that promote effective multi-material recycling programs and packaging stewardship in general. The applicants felt that the refillable quota regulation treats the soft drink industry unfairly, and that the regulations damage the environment through negative impacts on solid waste diversion and energy use.	MOE agreed in 1995 to review Regs. 340 and 357 in the broader context of overall program streamlining and planned to report its decision by early 1997. In its 1997 report prepared for the ECO, MOE stated that the ministry had been seeking stakeholder views on alternate approaches for promoting refillable containers through its consultations as part of MOE regulatory reform exercise. In addition, MOE stated that it had referred the related issue of funding the Blue Box system and clarifying roles and responsibilities in the province's solid waste management system to the Recycling Council of Ontario (RCO). In its 1998 report to the ECO, MOE states that it continues to consider stakeholder views on alternate approaches for promoting the use of refillable containers through the ministry's regulatory review exercise. MOE also notes that due to the complexity of this issue, the government is still considering all options for managing soft drink and other beverage containers in the province and no decisions have yet been made on the refillable regulations.	The ECO finds the five-year delay in completing this review unacceptable. The applicants are entitled to a response within a reasonable length of time.
R0334: Classification of chromium-containing materials as hazardous waste (MOE) **Review Undertaken February 1996**	The applicants requested that Regulation 347 under the *EPA* be reviewed. Under the current regulation, a waste is considered toxic if the total chromium extracted from it during a leachate test exceeds 5 mg/L. The applicants said the legislation should differentiate between toxic and non-toxic forms of chromium. Treating a non-toxic material as hazardous places an unnecessary economic burden on industry.	MOE decided in 1996 to conduct a review. In December 1997, MOE told ECO that proposed changes to a federal Transport Canada regulation will deal with this issue. MOE indicated that in the interests of federal/provincial harmonization work, and to avoid duplication of effort, it was waiting for the federal regulation to be finalized before doing its own review. MOE did not anticipate that the federal work will be complete before early 1998. In December 1998, MOE indicated that this review would be part of the national harmonization initiative review related to the definition of hazardous waste. The ministry stated that it exercises no control over the timing of this federal initiative.	The ECO finds the 4½ year delay in completing this review unreasonable. The applicants are entitled to a response within a reasonable length of time.

Application/ Status	Description	Ministry Response	ECO Findings/ Comments
R99001: Review the need for a new Canada-Ontario Agreement on the Great Lakes Basin Ecosystem for the period 2000-2005 (MOE) **Review Denied 10-May-99**	The applicants requested a review of the need for a new Canada-Ontario Agreement (COA) on the Great Lakes Basin Ecosystem for 2000-2005, citing that COA is essential to Canada's fulfilment of its commitments under the Great Lakes Water Quality Agreement (an agreement in place since 1972 between Canada and the United States to restore and maintain the chemical, physical and biological integrity of the Great Lakes Basin Ecosystem). COA was signed in 1994 by several federal ministers and by the Ontario Ministers of Environment; Natural Resources; Health; and Agriculture, Food and Rural Affairs, and had a March 31, 2000 expiry date. The Agreement sets out many specific program targets for the government to achieve and groups these targets under three main objectives for the Great Lakes Basin ecosystem: restoration of degraded areas, prevention and control of pollution and conservation, and protection of human and ecosystem health. The applicants' supporting report to the application provided a detailed review of both the federal and provincial governments' progress in meeting specific COA commitments. The applicants concluded that the federal and provincial governments' performance in meeting COA commitments has been weak and that most of the key goals and objectives of the current Agreement would not be met before its expiry. The applicants' report asserted that provincial ministries such as MOE and MNR have greatly reduced their COA-related activities since the Agreement was signed in 1994.	MOE decided not to conduct a review and cited several reasons for its denial. MOE noted that a "regular review" of the COA is underway and that this regular review is part of a more "comprehensive review" of MOE Great Lakes programs that began in December 1998. The ministry's response indicated that "stakeholders will be consulted in the development of the most effective means to continue to meet our Great Lakes commitments" and noted that the applicants could contact the ministry if they wished to be involved in this process. MOE also indicated that it remains committed to the restoration, protection and conservation of the Great Lakes Basin ecosystem.	It was reasonable for the ministry to deny the application since reviews of the matter were ongoing. The brevity of the ministry's response, however, was unacceptable. At a minimum, MOE should have defined the terms "regular review" and "comprehensive review," and elaborated on the nature and timing of these reviews. In addition to requesting a new COA and making recommendations regarding its development, the applicants' supporting report raised extensive concerns about implementation of the existing Agreement. In its review of the *Third Report on Progress Under the Canada-Ontario Agreement Respecting the Great Lakes Basin Ecosystem 1997-1999*, released in September 1999 by the federal and provincial governments, the ECO also found that many of the most important tasks to restore the Great Lakes are incomplete, unassigned and inadequately funded. While MOE and Environment Canada press releases issued in 1999 point to progress on "cleaning-up" the Great Lakes, work on renewal of the Canada-Ontario Agreement is progressing slowly.

Application/ Status	Description	Ministry Response	ECO Findings/ Comments
R99002: Review of the *Planning Act* as it pertains to the present and future development of the Carruther's Creek Wetlands Ecosystem for the purposes of commercial/ residential development (MMAH) **Review Denied 16-June-99**	The applicants requested a review of the *Planning Act* as it relates to the present and future development of the Carruther's Creek Wetland Ecosystem for the purposes of commercial/residential development. The applicants are concerned that home buyers in the area may be at risk from vector-borne pathogens (such as Lyme Disease borne by ticks) from the wetland. They feel that more stringent requirements to protect home buyers are important. The applicants noted that no one has studied the potential for such disease-bearing vectors in the Carruther's Creek Wetlands. The applicants did not provide evidence of disease-bearing vectors existing in this wetland, but they did submit news clippings and some medical journal articles that described North American cases of human infection through natural vectors. Cases included Lyme disease transmitted by deer ticks, encephalitis transmitted by mosquitoes and Hantavirus spread by mice.	MMAH denied the request for review, explaining that under the *Planning Act*, the local planning authority was responsible for this type of issue. MMAH stated that any new developments in and around the Carruthers Creek Wetlands would be subject to *Planning Act* approval, which requires that local planning authorities "have regard to" Provincial Policy Statements (PPS). The PPS addresses public safety in general and land use compatibility adjacent to significant wetlands, including the following statement: 1.1.1 f) "Development and land use patterns which may cause environmental or public health and safety concerns will be avoided."	The ministry had valid reasons for denying this application, because the applicants asked for a review of the *Planning Act* as it pertained to the development of Carruther's Creek Wetlands. The ministry validly pointed out that the development of this wetland was a matter that the local planning authority would have to decide on, after public consultation. The reply letter from MMAH could have provided more helpful detail to the applicants on how to submit their concerns to the municipality, including how to be notified of/ participate in any future public meeting, and any possible appeal to the Ontario Municipal Board.

Application/ Status	Description	Ministry Response	ECO Findings/ Comments
R99003: Passage of new regulations establishing strict limits for electricity-related air pollution emissions (MOE) **Review Denied 23-Aug-99**	The applicants raised concerns about potential worsening of air pollution from the electricity sector as a result of the government's restructuring of the electricity market. The applicants specifically requested a review of the need for new short-term limits on total electricity-related air pollution emissions for domestic and imported electricity. The applicants proposed specific limits for Sulphur Dioxide (SO_2), Nitrogen Oxides (NO_x), greenhouse gases (such as CO_2), Arsenic, Beryllium, Cadmium, Chromium, Lead, Mercury and Nickel. The applicants also requested review of the need for the government to consult the public on appropriate longer term caps for Ontario's electricity sector, in the context of a multi-stakeholder strategy to reduce Ontario's greenhouse gas and nitrogen oxides emissions. This application was also sent to the Ministry of Energy, Science and Technology. **Related to: R99004**	**MOE's response to the applicants** MOE decided not to review this matter, saying that the issues raised in the application are already being examined through various processes already underway: ▸ "MOE is currently considering options for limits on emissions from the electricity sector" ▸ "under the Canada-Wide Standards process, recommendations will be made on controlling sources of mercury releases to the environment, including the electricity sector" ▸ "under the National Climate Change process, issue tables are examining options for meeting Canada's potential Kyoto commitments. One issue table is devoted to the electricity sector." MOE said that any environmentally significant legislation proposed to be developed would be posted on the Environmental Registry for public comment. **MOE's subsequent actions** In January 2000, MOE posted proposals for regulations relating to electricity restructuring on the environmental registry for public comment. MOE proposed new emission limits for two of the pollutants of concern in this application, NO_x and SO_2. The ministry also proposed an emission trading system for these two pollutants. MOE did not propose new emission limits for any of the other greenhouse gases or toxic pollutants listed in this application, but did propose mandatory monitoring and annual reporting of emissions of these substances from the largest polluters in the industry, the oil- and coal-fired electricity facilities. As of March 31, 2000, MOE had not yet made its decisions on any of the proposals.	MOE was justified in not carrying out the review, since other review processes were underway at the time of the application. But the response to the applicants was far too brief, and failed to adequately address the applicants' concerns. MOE said it was considering options for limits on emissions, but did not provide details. Other than mercury, MOE's response did not address the specific pollutants listed in the application. The ministry said that under the Canada-Wide Standards process convened by the CCME, recommendations would be made on controlling sources of mercury releases, but did not provide any information on the status of that review process. Similarly, the ministry referred to the Electricity Issue Table of the Federal Climate Change Process, but didn't provide any specifics. It is not clear that any of these review processes referred to by MOE will address the applicants' concerns in a timely manner. Nor did the ministry say that it would consider the applicants' proposals or supporting reports contained in the *EBR* application, in the other review processes underway. The ECO made a number of recommendations related to electricity restructuring in the 1998 annual report. The ECO will continue to monitor and report on MOE's handling of the environmental aspects of electricity restructuring.

Application/ Status	Description	Ministry Response	ECO Findings/ Comments
R99004: Passage of new regulations establishing strict limits for electricity-related air pollution emissions (MEST) **Review Denied 24-Aug-99**	The applicants raised concerns about potential worsening of air pollution from the electricity sector as a result of the government's restructuring of the electricity market. The applicants requested a review of the need for new limits on total electricity-related air emissions (including greenhouse gases, smog-forming gases and toxics) from the electricity sector. Because limits on air emissions can be regulated under the *Environmental Protection Act*, the application was sent to the Ministry of the Environment. See R99003 The ECO also sent this application to the Ministry of Energy, Science and Technology (MEST), because the applicants proposed a number of mechanisms that could be used to cap electricity-related emissions, that fall under the jurisdiction of MEST. The applicants also raised the issue of the need for fuel switching (switching from coal to natural gas and renewable energy) and energy efficiency and conservation (reducing the demand for electricity) in order to reduce emissions. Both of these policy issues are within the mandate of MEST. **Related to: R99003**	The minister gave two reasons for his decision not to conduct a review: 1. At the time the application was launched, MOE was considering options for limits on emissions from the electricity sector 2. Aspects of the application pertaining to MEST are addressed by the processes for implementing the *Energy Competition Act, 1998*, which received Royal Assent in October 1998. For example, MEST was developing regulations requiring retailers of electricity to disclose the sources of energy and the environmental attributes of electricity offered for sale in the new competitive market. This initiative was posted on the Environmental Registry in February 1999 as an information notice.	MEST decided not to carry out a review, in part because MOE was at that time addressing the main request for review, by considering options for setting limits on electricity-related emissions (See R99003). MEST's statement that aspects of the application which pertain to MEST "are addressed by the processes for implementing the *Energy Competition Act*," was too brief. MEST did not explain which aspects were being addressed, or what processes it was referring to. The ECO does not disagree with MEST's conclusion not to carry out a review, because other review and policy development processes are underway. MEST should have informed the applicants whether it was going to address all the issues raised in this application in these other processes. For example, the two issues raised in this application -- the need for fuel-switching and energy conservation -- have not been adequately addressed through other processes as of March 31, 2000.

Application/ Status	Description	Ministry Response	ECO Findings/ Comments
R99005: Concerns regarding Lands for Life consultation and decision-making processes (MNR) **Review Denied 14-Oct-99**	The applicants requested that MNR review an existing policy, the Lands for Life/Ontario's Living Legacy Land Use Strategy (hereafter called the Strategy). The applicants alleged that the Strategy was developed by MNR with inadequate public consultation, without clear procedures and guidelines, and without conducting an assessment of the potential environmental effects. The applicants believe that aspects of the Strategy are inconsistent with MNR's SEV and commitments made by MNR in the Ontario Forest Accord.	MNR decided not to carry out a review. MNR relied on s.68 of the *EBR*, which states that a minister shall not review a decision made within the past five years, if the decision was made in a manner consistent with the public consultation provisions of the *EBR*. This section does not apply if there is new evidence that was not taken into account when the decision was made or that failure to review the decision could result in significant harm to the environment. MNR pointed out that the decision had been made just two months before this application was submitted, with public consultation exceeding the minimum requirements of the *EBR*. Further, MNR concluded that the application did not provide any new evidence that was not considered when the decision on the Strategy was made.	MNR's reasons for deciding not to carry out this review are reasonable and consistent with s.68 of the *EBR*. The decision on this policy was made within the past five years, with public consultation, and the application did not raise new evidence of the risk of environmental harm. It is understandable that there will be parties with continuing concerns after such a major policy decision, but the applications process of the *EBR* was designed specifically to avoid reopening recent ministry decisions. For the ECO review of the ministry's 1999 decision on this Land Use Strategy, see the Main Report. The 1998 ECO annual report also contains a review of the Lands for Life policy development process and the ministry's decision on a 1997 application for review of the process.
R99006: Health and environmental quality concerns at Twp. of Edwardsburgh landfill site (MOE) **Review Denied 22-Oct-99**	The applicants requested a review of the certificate of approval for the Edwardsburgh Landfill Site CofA citing the following concerns: the landfill is likely affecting human health and contaminating the local ecosystem; additional information regarding landfill site contamination has become available since the Environmental Assessment Board's landfill site hearing and issuance of the CofA; there were errors in some of the information considered by the Environmental Assessment Board; there are alleged contraventions of the *Environmental Protection Act* and *Ontario Water Resources Act* and the CofA; the Ministry of the Environment recently allowed administrative changes to the CofA and provided the Town of Edwardsburgh with concessions regarding its CofA. **Related to: I99022**	MOE denied the review but responded to the applicants' concerns. MOE noted that alleged violations of the conditions of the site's certificate of approval are being investigated by the ministry and "are best addressed through enforcement actions." The ministry also indicated that no new evidence has been submitted since the landfill site's Environmental Assessment Board hearing in 1997 to suggest that the site exceeds ministry criteria. The ministry noted that some of the applicants' allegations regarding violations of the CofA would not constitute a nuisance or hazard even if they were proven. MOE believes that environmental protection is adequate and continued operation of the landfill site in accordance with the CofA is allowable. The ministry referred to recent monitoring data that indicates the landfill site complies with ministry criteria and objectives.	MOE provided a clear, well-organized response to the various issues raised by the applicants. However, given MOE staff's ongoing work related to this landfill site and discussions with the applicants, the ministry should have assigned this request for review to staff who had not had previous involvement.

Application/ Status	Description	Ministry Response	ECO Findings/ Comments
R99007: Health and environmental quality concerns as a result of the operation of the Town of Cochrane landfill (MOE) **Review Denied 8-Nov-99**	The applicants requested a review of the certificate of approval for the Town of Cochrane landfill located at the Fournier site. Citing expert evidence, they allege that new scientific and other evidence not previously considered by the ministry supports their claim that certain design and operational changes are required to avoid potential leachate problems and to protect groundwater and surface water resources. The applicants note that the design and operation deficiencies in the certificate of approval already awarded to the town need to be addressed prior to site development. **Related to: I99025**	The application was denied. The ministry indicated that although the applicant brought new evidence to their attention, the evidence does not indicate that failure to review the decision could result in significant harm to the environment. MOE noted that most of the evidence submitted by the applicant is either a repetition or confirmation of evidence previously considered. MOE also indicated that experts for both the applicant and the CofA holder each reviewed the new information and came to the same conclusions that indicate there should be no change in approval. The ministry also noted that specific changes sought by the applicants would "make no significant difference" to the site and could even result in creating a greater impact on local surface water and stormwater management systems. Finally, the ministry indicated that a number of terms and conditions were placed in the certificate of approval to protect both surface and groundwater quality.	The ECO has no reason to dispute MOE's conclusion that the application does not include evidence, as required by section 68 (2a), to support the claim that failure to review the decision could result in significant harm to the environment. The ministry noted that specific changes sought by the applicants would "make no significant difference" to the site and could even result in creating a greater impact on local surface water and stormwater management systems. The ministry also suggested to the applicants, as a means to resolve the issue, that a ministry review of site monitoring results and recommendations made by the Fournier Site Liaison Committee (of which the applicant is a member) will result in changes to the operation of the site, if necessary, to protect the environment. The ministry response was poorly written. It was convoluted, repetitive and difficult to follow. In addition it was factually incorrect. MOE indicated in their letter to the applicants that experts for both the applicant and the CofA holder each reviewed the new information and concluded that there should be no change in approval. This is incorrect. The expert for the proponent did not explicitly reach this conclusion. The applicants subsequently filed a request for investigation which was accepted by MOE (see I99025).

Application/ Status	Description	Ministry Response	ECO Findings/ Comments
R99008: Review Regulation 328 under the *Endangered Species Act* (*ESA*) to expand the species that are included (MNR) **Review Denied November 1999**	The applicants requested a review of Reg. 328 under the *ESA*. This regulation sets out a list of **24 species** (now 26) "threatened with extinction" which are protected under the Act. A national body, of which MNR is a member, the Committee on the Status of Endangered Wildlife in Canada (COSEWIC), determines the list of nationally "endangered" species. This list contains **43 species** which live in Ontario. Consequently, the applicants allege that the *ESA* list of species "threatened with extinction" is deficient. The applicants requested that the *ESA* list be immediately amended to include all of those species that are on the COSEWIC list but not currently in Reg. 328. Additionally, the applicants request that other species be reviewed and considered for inclusion on the *ESA* list including an additional 30 Ontario species that COSEWIC has determined to be "threatened" and about 600 Ontario species that MNR's Natural Heritage Information Centre has determined to be "extremely rare." The applicants request that this latter consideration take place over the period of one year. The larger issues implicit in the application include: How can MNR justify long-standing discrepancies between the *ESA* list and the COSEWIC list, especially since MNR is a member of COSEWIC? Are there considerations (other than ecological) which affect the *ESA* listing methodology? Why is the *ESA* listing process so slow? The applicants support their application with reference to MNR commitments provided in the *ESA*, as well as through the National Accord for the Protection of Species at Risk, the Canadian Biodiversity Strategy and MNR policy.	The ministry denied the review. In its response to the applicants, the ministry refers to the 7 factors provided in the *EBR* for denying a review. However, the ministry actually cites the following reasons: - that the application is one component of an internal MNR review - that a federal-provincial review covers some of the matters to which the application applies - that signatories to the National Accord for the Protection of Species at Risk (invoked by the Applicants) are now in a transition period - that the proposed review would affect the property rights of landowners - the unavoidable slowness of MNR process which requires the identification of landowners, preparing and mailing correspondence, interviews, addressing landowners' concerns, and preparing habitat maps - the existence of mechanisms other than the *ESA* for the protection of habitat - limited resources - the time, expense and complexity of ranking species - Ontario's right to determine species at risk independent of national initiatives - a lack of understanding by the applicants of some of the issues	The ECO is concerned with the manner of the ministry's response to the applicants. The response employs a "scatter-gun" approach to justify denying the review. It uses a large number of arguments, but these are not well-organized nor clearly articulated. The response is unfocussed and contains inconsistencies and irrelevancies. The contents of the paragraphs in the ministry response frequently bear little relation to their titles. The author suggests a lack of understanding on the part of the applicants but does little to clarify the issues. The response both denies the need for a review and claims that reviews are under way. Neither timing nor terms of reference are provided for these reviews. Overall, the response does not reflect careful consideration of the main issue raised by the applicants-- the need to add "endangered", "threatened" and "extremely rare" species to the *ESA* list. The ECO feels that MNR provides excessive weight to landowner concerns in its response to the applicants at the expense of ecological considerations in determining which species to protect under Regulation 328 of the *ESA*. As a minimum, MNR should develop the *ESA* list using an open and transparent process. The ECO encourages MNR to institute a public policy debate into the adequacy of legislation in Ontario to ensure that the government remains true to its commitments to prevent species loss, and to adequately protect and recover endangered species.

Application/ Status	Description	Ministry Response	ECO Findings/ Comments
R99009: Review of current policies and regulations related to the approval of hazardous waste disposal sites and systems and review of the need for new Acts, regulations and policies (MOE) **Review Denied 21-Feb-00**	The applicants requested a review of existing regulations and policies related to the approval of permanent hazardous, PCB, and other "subject" waste (as defined in the *EPA* and Ontario Regulation 347) disposal sites and systems under the *Environmental Protection Act* (*EPA*) and the *Environmental Assessment Act* (*EAA*). The applicants also requested review of the need for new Acts, regulations or policies to reform the approvals process, including designation of all hazardous waste disposal sites under the *EAA* and mandatory public hearings under the *EPA* and *EAA*. The applicants also requested immediate adoption of the US EPA's 1999 rule for air emissions from hazardous waste incinerators as an interim standard in Ontario. The applicants also alleged that weaker standards for landfilling hazardous waste in Ontario have been a major factor in the significant growth in imports of hazardous waste from the U.S. (56,000 tonnes in 1993 to 288,000 tonnes in 1998). To address this concern the applicants requested immediate adoption of the US EPA's treatment standards for land disposal of hazardous wastes as an interim standard in Ontario.	The ministry decided not to conduct a review, stating that "the matters are either currently being examined through various processes already underway or have been considered and final decisions made." The ministry provided a rationale for each specific request. The ministry gave various reasons for turning down the requests for reform of the approvals process, except for one issue: "the designation of waste disposal sites under the *EAA* is currently under review by the ministry." The ministry said it would not adopt the US EPA standards for air emissions from hazardous waste incinerators because it was involved in the setting of Canada-Wide Standards (CWS) for mercury and could not prejudice its position in the CWS process. It said the US EPA standards were being considered in the CWS process. The response referenced the former minister's September 1999 announcement of a plan to revise the regulation to become comparable to U.S. rules, and said "the ministry is continuing its review of its hazardous waste regulation and further initiatives, including land disposal restrictions, are under consideration."	MOE's reasons for not carrying out a review under the *EBR* were weak, failing to address some of the evidence and concerns raised by the applicants. For example, the ministry's response on emissions from hazardous waste incinerators was inadequate, since it addressed only two of the many hazardous air pollutants included in the U.S. standards. The ministry also failed to respond to the applicants' concerns about the significant growth of imports of hazardous waste from the U.S. to Ontario for landfilling. MOE dismissed most of the concerns raised in the application, but said that three matters "are under consideration": designation of hazardous waste sites by regulation under the *EAA*; new Canada-wide standards for mercury and dioxin; and land disposal restrictions. While MOE's consideration of these matters is welcome, the ministry's review is not transparent. To meet the spirit and intent of the *EBR*, MOE should at least provide the applicants with the expected completion date of this review, commit to considering the applicants' evidence in the ongoing review, and should inform the applicants and ECO about the status and outcome of the ministry review. See also pp.100-102 of the annual report.

Application/ Status	Description	Ministry Response	ECO Findings/ Comments
R99010: Review of O. Reg. 73/94 (under the *EBR*) to prescribe the Ministry of Education under the *EBR* (MOE) **Review Undertaken Due 30 July 00**	The applicants requested a review of O.Reg. 73/94 because they believe that the Ministry of Education should be prescribed under the *Environmental Bill of Rights*		ECO will review this application in the 2000 annual report.

Application/ Status	Description	Ministry Response	ECO Findings/ Comments
R99011 **R99012** **R99013** Review of existing legislation and review of the need for one or more new policies, Acts or regulations in order to protect the Oak Ridges Moraine (MOE, MNR and MMAH) **Review Denied 29-May-00**	The applicants requested a review of the *Planning Act*, sections 3, 23(1), 34(1) & 47. The applicants also requested a review of the need for new policy, Act or regulation. The applicants requested the ministries take immediate action on the following short-term measures until a long-term strategy is in place: • formal endorsement of the 1994 *Oak Ridges Moraine Strategy for the Greater Toronto Area: An Ecosystem Approach for Long Term Protection and Management*; • a temporary moratorium on new development within the Oak Ridges Moraine. The applicants also requested the ministries to review the need for one of the following options for long-term protection of the Moraine: • enaction of new legislation to protect the Oak Ridges Moraine; or • designation of the Oak Ridges Moraine as a Planning Area under the *Ontario Planning and Development Act*; or • creation of an area specific policy statement for the Oak Ridges Moraine. As a complement to any long-term measure to protect the Moraine, the applicants also requested: • creation of a provincial land acquisition program to strategically purchase key properties along the Oak Ridges Moraine. **Related to R99014-16**	The ministries decided not to undertake a review.	ECO will review these applications in the 2000 annual report.

Application/ Status	Description	Ministry Response	ECO Findings/ Comments
R99014 **R99015** **R99016** Review of existing legislation and review of the need for one or more new policies, Acts or regulations in order to protect the Oak Ridges Moraine (MOE, MNR and MMAH) **Review Denied 29-May-00**	The applicants requested a review of the need for a new policy, Act or regulation to protect the Oak Ridges Moraine. The applicants provided extensive reasons, evidence and documentation to demonstrate the need for a review. **Related to R99011-13**	The ministries decided not to undertake a review.	ECO will review these applications in the 2000 annual report.

Application/ Status	Description	Ministry Response	ECO Findings/ Comments
I97007: Alleged violations by Ontario Hydro of the federal *Fisheries Act* (MNR) **I97009**: Alleged violations by Ontario Hydro of the federal *Fisheries Act* (MNR) **I97013**: Alleged violations by Ontario Hydro of the federal *Fisheries Act* (MNR) **Investigation Overdue**	**I97007** Applicants allege that Ontario Hydro has discharged large quantities of contaminants through the erosion of condenser tube walls. Discharges include copper, zinc, tin, arsenic and lead from the Pickering, Lakeview, Nanticoke, Lambton and Bruce A power plants into Lake Ontario, Lake Erie and the St. Clair River. It is alleged that Ontario Hydro has not taken any steps to prevent the discharges even though they were aware of them over the past 20 years. Ontario Hydro is alleged to have failed to report the discharges and to have provided false information to MOE. **I97009** Alleged violations due to discharges to Lake Ontario at the Pickering Generating Station. **I97013** Alleged violations due to discharges of contaminants including copper, zinc, tin, arsenic and lead from the Lakeview, Nanticoke, Lambton and Bruce A power plants into Lake Ontario, Lake Erie and St. Clair River.	MNR undertook a single investigation in response to these three applications with an estimated completion date in early 1999. On July 9, 1999 MNR sent a letter to the Sierra Legal Defence Fund (SLDF) indicating that MNR's review and final discussions about the investigation have taken longer than anticipated and that MNR will submit its report to SLDF as soon as possible.	ECO remains concerned about the length of time taken for MNR to complete its investigation, especially since the follow-up letter to SLDF still does not provide any indication of when a response can be expected. MNR indicated in November 1999, and again in March 2000, that "the investigation is nearing completion". Issues to be resolved appear to relate to MNR's responsibilities under the federal *Fisheries Act*.

Application/ Status	Description	Ministry Response	ECO Findings/ Comments
I98003: Illegal Discharge by the Regional Municipality of York of Raw Sewage (MOE) ***EBR* Investigation Denied** **15-May-98** **Non-*EBR* Investigation Completed** **11-Feb-99**	The applicants believed that on August 15, 1997, the sewage system operated by York Region discharged more than 22 million litres of raw sewage into German Mills Creek (a tributary of the East Don River in Thornhill, just north of Toronto). This discharge, which was the result of a power failure that halted pumping operations, resulted in violations of the *OWRA*, the *EPA* and O. Reg. 358. The spill resulted in high bacteria levels near the mouth of the Don River in Lake Ontario. The applicants claimed that York Region failed to have reasonable or adequate backup systems to deal with the power failure. They argued that York Region has no adequate system to deal with sewage disposal during wet weather conditions, and such a system must be put in place.	MOE decided not to conduct an *EBR* investigation as the allegations raised in the application were already under investigation by the ministry. This investigation was completed on February 11, 1999 and resulted in two charges being laid against York Region. MOE forwarded a copy of the investigation along with a copy of the summons issued against York Region to the applicants.	MOE was justified in denying this application on the basis that the allegations made in the application were already being investigated by the ministry. The ministry's own investigation substantiated the applicant's allegations and resulted in charges being laid against York Region. On November 29, 1999, the Region pleaded guilty to one of the charges and was assessed a fine of $35,000. The second charge was subsequently dropped. MOE went beyond the minimum requirements of the *EBR* because it kept the applicants informed and updated on the progress of the investigation.

Application/ Status	Description	Ministry Response	ECO Findings/ Comments
I98009: Alleged contravention by MNR of Conditions 23 and 77 of the Timber Class Environmental Assessment (MOE) **Investigation Completed 13-Apr-99**	The applicants alleged that MNR had contravened s.38 of the *Environmental Assessment Act* (*EAA*) by failing to comply with Conditions 77 and 23 of the Timber Class EA approval. Condition 77 of the Timber Class EA orders MNR district managers to negotiate with Aboriginal peoples whose communities are situated within a forest management unit, in order to identify and implement ways of achieving a more equal participation by Aboriginal peoples in the benefits of forest management. The negotiations are to include a number of issues, including facilitating third-party licences with existing licensees and providing new licences where possible. Condition 23 orders MNR district managers to identify the management objectives for non-timber values which exist in other plans or policies (for example government agreements with native people), when preparing a forest management plan. The applicants alleged that MNR was violating Conditions 23 and 77 by issuing new Sustainable Forest Licences (SFLs) for the Clergue and Northshore Forests. **See also I98010, I99001, I99015**	MOE concluded that MNR was currently in compliance with Condition 77 of the Timber Management Class EA. MOE did not respond to the allegations regarding Condition 23. MOE stated that MNR's efforts to date demonstrate that MNR has negotiated economic opportunities with First Nations, and charges under the *EAA* are not warranted. MOE also concluded that "the EA Board decision provides MNR with a total of nine years in which to implement Condition 77 and there are several more years remaining for MNR to continue to fulfill the requirements of Condition 77."	The ECO recognizes that the terms and Conditions of the Timber Class EA approval, and especially Condition 77, are somewhat vague and therefore difficult to enforce. Therefore MOE's conclusion that it could not prosecute MNR is reasonable. MOE handled the application very poorly, however, and did the applicants a disservice with its response and subsequent correspondence. To its credit, the ministry requested an independent investigation by the Investigation and Enforcement Branch, but the results were provided to the Environmental Assessment and Approvals Branch, who then 'formulated' the response to the applicants and the ECO. The ECO has concluded that the IEB investigation results were not accurately summarized by the EAAB. For example, the IEB report acknowledges that the investigators found obvious differences of opinion and perspectives on what initiatives were deemed to represent compliance with the Class EA, and a problem with mistrust and poor communications between First Nations, MNR and the industry. The IEB concluded that MNR had met the test of due diligence, that MNR had been able to demonstrate that it had made some positive efforts to comply with the spirit of Condition 77, and that, although the applicants disagree, that "the evidence obtained during the course of this investigation is insufficient at this time to present a prima facie case of a violation of T & C 77 and thereby a violation of the *EAA*." In contrast, the response provided to the applicants and the ECO repeats only MNR and industry opinions, and says "the investigation concluded that MNR is currently in compliance with Condition 77." For the following reasons, the applicants are justified in their concerns that MNR's transfer of responsibilities for forest management to industry has hindered progress on Condition 77: MNR self-identified these concerns as policy implications of implementing its 1996 Forest Management Business Plan, saying that "the direction of the Board concerning resource availability and consultation may not be met" and "aboriginal entrepreneurial opportunities are vanishing as timber is quickly and fully allocated to industrial users." In a September 1999 document, MNR admitted that the transfer of responsibilities to the forest industry was one of a number of difficulties in implementing Condition 77. The applicants' allegations regarding Condition 23 were not well-explained, so it is understandable that MOE did not address Condition 23 in its report. Given the evidence and the findings of its own investigators, MOE's response to the applicants on Condition 77 was unreasonable. See also pp.97-98 in the annual report.

Application/ Status	Description	Ministry Response	ECO Findings/ Comments
I98010: Alleged contravention by MNR of Conditions of the Timber Class Environmental Assessment (MOE) **Investigation Completed 13-Apr-99**	The applicants alleged that MNR has contravened s.38 of the *Environmental Assessment Act* (*EAA*) by not following the terms and Conditions of the 1994 Timber Class EA Approval. The applicants provided examples of three terms and conditions they believe MNR has contravened: • 77, requiring negotiations with Aboriginal peoples • 82, requiring annual reports to the Legislature; and • 106, directing MNR to develop a Roadless Wilderness Policy. The applicants provided substantial written evidence of several First Nations' and Aboriginal Associations' grievances related to Condition 77. The applicants requested an overall investigation, not simply an inquiry into the specific problems encountered by these First Nations. The applicants also requested that MOE investigate whether MNR still has the capacity to implement the Timber Class EA, given cutbacks in staff and resources at MNR. **See also I99001, I99015 and I98009 - different applicants, but related issues.**	MOE stated that the issue of whether MNR had the capacity to fulfill its mandate was not a potential offence under the *EAA*, so it was not addressed in the ministry's investigation. The ministry focussed its investigation on how MNR fulfilled the requirements of Condition 77, and concluded that MNR was currently in compliance with Condition 77. MOE also stated the "there are several more years remaining for MNR to continue to fulfill the requirements of Condition 77." MOE's response did not mention Condition 106, regarding the wilderness areas policy. MOE also did not address the applicants allegations that MNR had not provided annual reports to the legislature as required by Condition 82.	MOE's response to the applicants was unreasonable. The ECO comment on MOE's response to I99009 regarding MNR's compliance with Condition 77 applies equally to this application. Although allegations in the application applied to Condition 82 and Condition 106 as well as Condition 77, MOE did not respond to these. The ministry should have reported to the applicants regarding the alleged contraventions of these conditions. See also pp.97-98 of the annual report.

Application/ Status	Description	Ministry Response	ECO Findings/ Comments
I99001: Alleged failure by MNR to comply with Condition 106 of the Class EA for Timber Management (MOE) **Investigation Denied 14-Apr-99**	The applicants allege that MNR is failing to live up to its legal obligation to develop a roadless wilderness areas policy as required by Condition 106 of the Class EA for Timber Management (approved in 1994). The applicants acknowledge that MNR issued a policy (titled *Ontario's Approach to Wilderness)* in response to Condition 106 in 1997. However, they argue that the policy does not comply with the condition because this document addresses only the creation of wilderness parks, which are not part of the area of the undertaking to which Condition 106 applies. The applicants assert that, to comply with the condition, MNR would need to develop a policy for roadless wilderness areas outside of the provincial park system. The applicants also note that MNR is failing to meet a key commitment under *Ontario's Approach to Wilderness* (to identify and establish new Wilderness Parks in two regions of northwestern Ontario through Lands for Life) because the Lands for Life Round Table recommendations (released October, 1998) did not propose to create any new wilderness parks in these areas.	MOE denied the request for investigation. In its response to the applicants MOE, concluded that MNR is in compliance with Condition 106 of the Class EA for Timber Management, and did submit *Ontario's Approach to Wilderness* to MOE within three years of the approval of the Timber Class EA, as required. MOE notes that although the policy recognizes the contribution of parks to wilderness protection, the scope of the policy also includes Crown Land which is outside of parks. In its response to the applicants, MOE notes that "MNR has confirmed that the provincial policy *Ontario's Approach to Wilderness* is the provincial policy on roadless wilderness areas."	MOE's decision not to investigate appears to be at odds with an earlier statement made by the ministry on this issue. In its response to the *EBR* application, MOE indicates that it would not investigate because it believes that *Ontario's Approach to Wilderness* fulfills Condition 106. However, a 1997 letter from MOE to MNR (included as evidence in the application) indicates that MOE was not satisfied with the policy and felt that revisions to it were needed. MOE's concerns were similar to those expressed by the applicants - that the policy should be revised to provide more explanation of how it relates to Condition 106, and on how the policy will be applied during forest management planning. MOE fails to explain on what basis its opinion of the policy changed. MOE also failed to address the applicants' concern that MNR's key commitment under *Ontario's Approach to Wilderness* is not being met.

Application/ Status	Description	Ministry Response	ECO Findings/ Comments
I99002: Alleged violations of the *EAA* by Springwater Township through development of a road at the Snow Valley Ski Resort (MOE) **Investigation Completed 20-Dec-99**	The applicants are concerned about the construction of a road through a Class I - III wetland at the Snow Valley Ski Resort near Barrie. They claim that the road should have been approved under the "Class EA for Municipal Road Projects," and that in failing to follow the Class EA, the Township of Springwater and its planning body (Snow Valley Working Group) contravened regulations 334 and 345 passed under the *EAA*. They also allege that construction of the road violates s.14 of the *EPA* (discharge likely to cause adverse effect) and s.30 of the *OWRA* (discharge that may impair water quality). **Related to I99008**	The ministry's investigation report was very brief. It stated that an investigation was not conducted into the allegations concerning the *EAA* violations since the cost of the road was less than $1.5 million, and "private sector development" below this limit does not require consideration under the *EAA*. On behalf of the ministry, the Barrie District Office in association with the London Regional Office did conduct an investigation into the allegations of *EPA* and *OWRA* violations. The results of the investigation were reported thus: In reference to section 14 of the *EPA*, it was determined that a contaminant was not being discharged into the natural environment that was likely to cause an adverse effect. In reference to section 30(1) of the *OWRA*, it was determined that there was not a discharge of any material into or in any waters that may have impaired the quality of the water. Inspections were conducted by District and Regional Staff, and although the construction of the road has had an impact on the natural environment, insufficient evidence could be obtained to confirm a violation of section 14 of the *EPA*, and of section 30 of the *OWRA*.	The ECO does not dispute the findings of the ministry investigation but is concerned with the brevity and lack of detail provided to the applicants regarding how the investigation was done. The ministry should have explained what tests were performed and what the results were, in order to justify its conclusion that the road construction did not cause an adverse effect. In its report, MOE admitted that the road construction had an impact but failed to explain why that impact did not constitute an adverse effect or an impairment.

Application/ Status	Description	Ministry Response	ECO Findings/ Comments
I99004: Alleged violation of the *EPA* and *OWRA* through approvals given for inadequate sewage systems by the Simcoe County District Health Unit (MOE) **Investigation Denied 18-May-99**	The applicants allege that the Simcoe County District Health Unit (SCDHU): • allowed the establishment of sub-standard sewage systems, and created easements without registration on title, in violation of reg. 358 of the *EPA* and s.27(1)(2) of the *OWRA*. • oversaw multiple expansions of the ski facility without requiring adequate septic expansions, in violation of s.53(1) of the *OWRA*, and without notifying MOE of a sewage system being altered which should have triggered MOE Reasonable Use Guideline B-7. • created an attenuation area which contains cold water fish habitat, in violation of s.14 of the *EPA* and s.30 of the *OWRA*. • violated a contractual obligation made under Part VII (now Part VIII) of the EPA, which required them to refer approvals for sewage systems bigger than 4,500 L/day to MOE. • failed to consider and apply MOE Reasonable Use Guideline B-7 on any of these systems. The applicants are concerned since the area where this development occurred is a significant recharge area for the Minesing Swamp. As designed, the applicants note that these septic systems are likely to cause human health and environmental damage.	MOE decided not to conduct an investigation. They note that the concerns raised in the application with respect to issuance of the approval, even if proven to have occurred would not constitute a "contravention," by the SCDHU, of legislation administered by MOE. MOE did acknowledge that it is looking into the applicants' concerns related to the sewage treatment process at the Snow Valley site, and that the applicants would be kept informed of the results of MOE's study.	MOE's rationale for not conducting an investigation was inadequately explained. MOE should have explained why the applicants' concerns could not constitute a "contravention" of MOE legislation. One of the applicants launched an action against the SCDHU in July 1999, claiming monetary compensation for damages caused by the allegedly sub-standard sewage system.

Application/ Status	Description	Ministry Response	ECO Findings/ Comments
I99008: Alleged violations of the *OWRA*, *EPA* and *EAA* by Brian Smith (Snow Valley Ski Resort) through road and sewage system construction (MOE) **Investigation Due 22-Jul-00**	The applicants are concerned about road construction and sewage treatment at the Snow Valley Ski Resort. They allege that the Snow Valley Ski Resort: • violated regulations 334 and 345 of the EAA by not performing an EA prior to constructing a road in a Class I - III wetland • failed to register on title an easement established by the local health unit, in violation of Reg. 358 of the *EPA* for an instrument created under s.27(1) of the *OWRA* • undertook building expansions without septic approvals, in violation of s.53 (1) and s.30 of the *OWRA* and s.14 of the *EPA* • withdrew more than 50,000L/day of water without a permit, in violation of s.34(3) of the *OWRA* **Related to I99002**	MOE undertook the investigation. In a letter dated July 13, 1999, MOE indicated that its Abatement section had completed its investigation, and had forwarded the matter to the Investigations and Enforcement Branch for their consideration. MOE expected the investigation to be completed by July 22, 2000. Meanwhile, MOE notes that it issued a Field Order to require certain work to be done to address some of the concerns raised in this application for investigation. MOE may order further work, pending results from the initial field order.	This application will be reviewed in the 2000 annual report.

Application/ Status	Description	Ministry Response	ECO Findings/ Comments
I99006, I99010, I99012, I99014: Alleged violations of the *EPA, OWRA* and *EAA* through road construction and design and approval of inadequate sewage systems by the Nottawasaga Valley Conservation Authority (NVCA) (I99006), Dixon Hydrogeology (I99010), Angela Rudy (Rudy and Associates) (199012) and Ainley and Associates (I99014) (MOE) **Investigation Denied** **18-May-99**	**Road Construction** The applicants were concerned about the construction of a road by Snow Valley Ski Resort through a Class I - III wetland. They alleged that by allowing the road to be constructed without following the "Class EA for Municipal Road Projects", the Nottawasaga Valley Conservation Authority and a planner were parties to a violation of *EAA* Regs. 344 & 345. **Sewage Systems** The applicants are also concerned about sewage systems being used by the resort. They allege that Dixon Hydrogeology performed inaccurate calculations regarding nitrate attenuation zones which resulted in approval of a sub-standard septic system. The applicants allege that the inaccurate calculations violated s.14 of the *EPA* and reg. 358 under the *EPA*, and s.30 of the *OWRA*. The applicants allege that Ainley & Associates designed and aided in the installation of a sewage system that did not meet design standards as required under reg. 358 of the *EPA*, and in violation of s.14 of the *EPA* and s.30 of the *OWRA*. They note that the substandard design criteria were then, in part, used by a second party to apply MOE Reasonable Use Guideline B-7. The resulting nitrate calculation indicated that this system was in compliance with the Guideline, when in fact it was not. They also allege that Angela Rudy gave inappropriate advice regarding the Ontario Groundwater Drinking Objective and failed to apply MOE Reasonable Use Guideline B-7.	MOE decided not to conduct an investigation. **Road Construction** With regard to the *EAA* violations, MOE notes that a Class EA is required for private sector development only if the project would have been categorized as a Schedule C undertaking. To qualify as a Schedule C undertaking, the project cost must exceed $1.5 million. As the total cost of the project was only about $150,000, the project does not meet the cost limitations of Schedule C. Therefore no contravention could have occurred under the *EAA* or related regulations. **Sewage Systems** With regard to the inaccurate sewage flow calculations and faulty design of the sewage systems, MOE notes that the *EBR* does not require an investigation into an alleged contravention if it is not likely to cause harm to the environment. They note that subsequent to construction of the system that was approved by SCDHU, the property owner constructed drains below the septic system, which changed the hydrogeologic regime of the down gradient area. Because of this subsequent construction, any potential impact on the groundwater of other properties has been removed because groundwater has been diverted to surface water. Since the system is no longer operating as designed, there can be no harm to the environment directly caused by the interpretation of the Reasonable Use of Groundwater done by Dixon Hydrogeology.	**Road Construction** MOE's response regarding the alleged *EAA* violations was reasonable, and was explained in adequate detail. **Sewage Systems** MOE's response regarding the concerns about the sewage systems was valid. However, MOE could have acknowledged in its response that the ministry agreed that the sewage system approval was issued on incomplete information, and that the ministry had concerns about the effects of the system on ground and surface waters (MOE subsequently issued a field order requiring studies and other information related to the system's effect on water). The ministry failed to respond to the alleged violations of *EPA* s.14 or *OWRA* s.30. However, our review suggests that there is little to support these allegations.

Application/ Status	Description	Ministry Response	ECO Findings/ Comments
I99003, I99007, I99009: Alleged violations of the federal *Fisheries Act* and the *Conservation Authorities Act* through constructi· n of a road and diversion of water by the Township of Springwater (I99003), the Nottawasaga Valley Conservation Authority (I99007) and Brian Smith (Snow Valley Ski Resort) (I99009) (MNR) **Investigation Denied** **17-May-99**	The applicants are concerned about the construction of a road at the Snow Valley Ski Resort through a Class I - III wetland which was permitted by the Township of Springwater and its planning body (Snow Valley Working Group) and the Nottawasaga Valley Conservation Authority (NVCA). They allege that construction of the road introduced sediment into fish habitat, and that the road will warm surface waters and therefore degrade fish habitat. These impacts represent violations of s.35(1) of the federal *Fisheries Act*, and s.28 of the *Conservation Authorities Act* (section 28 of the *Conservation Authorities Act* gives conservation authorities the ability to make regulations controlling the placement of fill, construction and/or alteration of a watercourse within the regulated area. Applicants must receive a permit from a conservation authority (CA) before undertaking these activities in a regulated area). The applicants also allege that Brian Smith of Snow Valley Ski Resort is diverting large quantities of water, which has introduced warm water, nitrates, phosphates, silt and sediment into a known cold water fish habitat, in violation of s.35(1) of the federal *Fisheries Act* and s.28 of the *Conservation Authorities Act*.	MNR decided not to conduct investigations. With regard to the federal *Fisheries Act* violations, MNR notes that it no longer enforces the habitat protection provisions (s.35) of the federal *Fisheries Act* on behalf of the federal government. However, MNR will refer the information to the Department of Fisheries and Oceans for their review. MNR also notes that although alleged violations of the *Planning Act* and Provincial Policy Statement will not be investigated by MMAH (because the *Planning Act* is not prescribed for *EBR* Investigations), MNR staff are aware of the applicants concerns, and will take them under consideration as the Secondary Plan for this area proceeds through the approval process. With regard to the violation of the *Conservation Authorities Act (CAA)*, MNR states that the alleged contraventions are not serious enough to warrant an investigation, and that there is no evidence to suggest that the NVCA has contravened s.28 of the *CAA*. MNR notes that the NVCA did issue a permit in July 1998 under its s.28 regulation. In March 1999, the NVCA issued a violation notice to the developer, indicating that the conditions of the permit had not been fulfilled. MNR also notes only CAs have the legislated responsibility to implement s.28 regulations, and the individual CA is the only body that has the ability to take action with respect to s.28 offences (meaning that MNR cannot enforce s.28 of the *CAA*).	MNR's rationale for not investigating the *Fisheries Act* violations is valid. MNR's assurance to the applicants that MNR staff will consider their concerns during approval of the area's Secondary Plan is helpful. MNR's rationale for not investigating the *CAA* s.28 allegations is confusing. MNR argues that there is no evidence of contravention, but then points out that, even if there were a contravention, only the conservation authority (and not the ministry) could enforce the regulation. The ECO notes that MNR's inability to enforce *CAA* s.28 regulations has significant *EBR* implications. It means that MNR is unable to take action as a result of *EBR* applications for investigation regarding the *CAA*, despite the fact the *CAA* is a prescribed Act under the *EBR*. The ECO asked MNR to consider rectifying this situation, possibly by delegating the minister's responsibilities regarding applications for investigation under the *CAA* to CAs. MNR has not yet responded despite ECO follow-up in late 1999. Note: Although the *EBR* Investigations were denied, it appears that some of the applicants' concerns have been addressed. Subsequent to MNR's decisions not to investigate, in July/99 the NVCA revoked the developer's permit because of concerns about the environmental impacts of the road building, and because the conditions of the permit were not fulfilled.

Application/ Status	Description	Ministry Response	ECO Findings/ Comments
I99005, I99011, I99013: Alleged violations of the federal *Fisheries Act* through construction of a road and inadequate sewage systems by SCDHU (I99005), Dixon Hydrogeology (I99011) and Angela Rudy (I99013) (MNR) **Investigation Denied 17-May-99**	The applicants are concerned about sewage systems being used by Snow Valley Ski Resort. They allege that the Simcoe County District Health Unit permitted sewage systems at the Snow Valley Ski Resort which created an attenuation area containing cold water fish habitat. The applicants also allege that Dixon Hydrogeology (a consulting firm) performed inaccurate calculations regarding nitrate attenuation zones which resulted in approval of a sub-standard septic system. The applicants are concerned because the area where this development occurred is a significant recharge area for the Minesing Swamp. As designed, the applicants note that these septic systems are likely to cause human health and environmental damage. The applicants allege that the inaccurate calculations violated s.35(1) of the federal *Fisheries Act*. The applicants are also concerned about road construction at that resort. They allege that a planner for the developers in the Snow Valley Secondary Plan planned a road through a Class I - III wetland and aided in its approval and construction. Construction of the road has introduced runoff into cold water fish habitat, in violation of s.35(1) of the federal *Fisheries Act*.	MNR decided not to conduct an investigation as it no longer enforces the habitat protection provisions (s.35) of the federal *Fisheries Act* on behalf of the federal government. However, MNR will refer the information to the Department of Fisheries and Oceans for their review and possible investigation. MNR also notes that although alleged violations of the *Planning Act* and Provincial Policy Statement will not be investigated by MMAH (because the *Planning Act* is not prescribed for *EBR* Investigations), MNR staff are aware of the applicants' concerns, and will take them under consideration as the Secondary Plan for this area proceeds through the approval process.	MNR's rationale for not investigating the *Fisheries Act* violations is valid. MNR's assurance to the applicants that MNR staff will consider their concerns during approval of the area's Secondary Plan is helpful.

Application/ Status	Description	Ministry Response	ECO Findings/ Comments
I99015: Alleged Contraventions by MNR of s.38 of the *EAA* and Terms and Conditions 27, 94(b), 82 and Appendix 20 of the Timber Class EA relating to clear cutting and annual reporting (MOE) **Investigation Completed 16-Sept-99**	The applicants alleged that MNR contravened s.38 of the *Environmental Assessment Act* (*EAA*) by failing to comply with several terms and conditions of the Timber Class EA approval. These conditions require MNR to: • restrict clearcuts to a range of up to 260 hectares; • develop standards for the configuration and continuity of clearcuts (i.e. the shape, time and distance between them) "to ensure that the purpose of this restriction is not frustrated"; • incorporate the restrictions and standards into a new Guideline; • use these new restrictions in forest management plans, and record exceptions in the plans where clearcuts exceed 260 hectares for sound biological or silvicultural reasons; • inventory and monitor clearcuts and exceptions to the maximum-size restriction; and • report annually to the Legislature on the average and maximum size of clearcuts and on progress on implementing these conditions. The applicants allege that these conditions are not being followed, because a number of MNR documents, such as training messages, draft papers, guidelines and manuals, give different directions on clearcut sizes. The applicants allege that forest management plans approved in MNR's Northeast Region between 1995 and 1999 demonstrate that MNR has not complied with these conditions. They also allege that the ministry is not complying with the requirement for annual reports to the Legislature (Condition 82), and has submitted only one annual report to the Legislature, for 1995/96, which did not contain required information on clearcuts.	**MOE's investigation report** MOE conducted an investigation and concluded that MNR is currently in compliance with these conditions of the Timber Class EA, and no charges under the *EAA* are warranted. MOE says that the Board's decision provides MNR with a total of nine years in which to implement these conditions, and there are several more years remaining for MNR to "continue to fulfill the requirements" of these conditions. MOE's response also says that MNR has informed them that the 1996-1997 annual report will include some information on clearcuts, and that this report will be released to the public "in the near future." MOE says it will continue to monitor MNR's progress on these reports. MOE says that MNR has incorporated the 260 hectare restriction on clearcut sizes, and properly recorded exceptions, in its Forest Management Planning Manual and in forest management plans planned and approved since the EA Board's Decision. **MOE's subsequent actions** Less than two months after concluding in this investigation that MNR was in compliance, MOE issued an order under the *EAA* to require MNR to provide direction to its staff outlining criteria for defining a clearcut, and to make it public by the end of December 1999; to produce a draft of the required Guidelines by September 30, 2000 for public review; and to have the Guidelines finalized and in use by May 31, 2001. Further, the harvesting of several large clearcuts planned in the Temagami area will be deferred until the Guidelines are developed and can be applied to the planning area.	MOE's conclusion that MNR is in compliance with the conditions of the Class EA is unreasonable, since two months later the minister issued an Order under the *EAA* to require MNR to comply with these conditions. The Minister's Order was issued to resolve a complaint that MNR had approved too many very large clearcuts in the new Temagami Forest Management Plan. Clearly the applicants' concerns about MNR not consistently implementing the Timber Class EA conditions relating to clearcut size restrictions had considerable merit. MNR's preferred approach is to allow much larger clearcuts to emulate historical fire disturbance patterns. The Class EA approval accepted that idea in principle, but put limits on the size of clearcuts for the term of the approval because of public concern, and required MNR to incorporate those restrictions into new guidelines. MNR appears to have complied with the requirements to document their rationale for clearcuts approved over 260 hectares, but has continued to develop direction for planning clearcuts that result in larger cuts. The new direction, based on historical fire size and distribution, has been developed in draft form, and MNR has been training planning teams and industry foresters in its use, without making the draft Guidelines public, or formally approving them. In the end, MOE did take action, which will move the controversy about clearcut size back into the public arena. However, it is unclear why MOE did not respond in a consistent way to the bump-up request and the application for investigation. Now MNR must develop its policy on determining clearcut sizes within deadlines set by the Minister of MOE, and the public will be provided with opportunities to comment on the policy proposals through postings on the Environmental Registry. The ECO also disagrees with MOE's conclusion that MNR is in compliance with the terms and conditions relating to public reporting. Condition 82, Appendix 20 and Condition 27(c) require MNR to inventory and monitor clearcuts, exceptions to the maximum size restriction, configuration and contiguity, and its progress on implementing Condition 27, and provide this information in an Annual Report to the Legislature. MNR still has not done this as of March 31, 2000, almost 6 years after the terms and conditions took effect.

Application/ Status	Description	Ministry Response	ECO Findings/ Comments
I99016: Alleged contraventions by St. Thomas Dragway, the Municipality of Central Elgin, and Race Machine of sections 9 and 14 of the *EPA* by the illegal discharge of sound and vibration (MOE) **Investigation Completed 27-09-99**	The applicants claimed violations of section 9 (discharge without a certificate of approval) and section 14 (discharge likely to cause an adverse effect) in relation to noise emanating from the St. Thomas Dragway.	The ministry's investigation report was very brief. It confirmed that *EPA* sections 9 and 14 had been violated, that the person responsible has been notified in writing of the violations, and that the London Regional Office has requested the owner of the facility to submit a CofA application "as soon as possible". The report also stated that information concerning the violations had been sent to the Investigations and Enforcement Branch (IEB) for further investigation.	The ministry's handling and disposition of this application can be characterized as "poor client service" and reveals a lack of sensitivity to a number of legitimate concerns. The investigation report was brief and dismissive. It acknowledged violations of *EPA* sections 9 (discharge without a CofA) and 14 (discharge likely to cause adverse effect), and proposed to redress that situation by requesting the owner of the responsible facility to submit a CofA application "as soon as possible". This despite the fact that there was no possibility of the owner acceding to such a request, as an Approvals Exemption Regulation (AER) precluding the need for a CofA, was close to being filed. The report also stated that information concerning the violations had been sent to the Investigations and Enforcement Branch (IEB) for further investigation, but the ECO was not able to determine any further work done by the IEB. Although it was critical to the interests of the applicants, the ministry did not inform them of the status of the AER (although it did mention that an AER was pending, in the cover letter to the report). The ministry should have provided the applicants with information on the AER as well as notification of when it was filed. This application also highlights the ambiguity surrounding the responsibility for noise in the absence of local bylaws.

Application/ Status	Description	Ministry Response	ECO Finding/ Comments
I99017: Alleged illegal operation by Philip Andrew Telenko of a waste disposal site (recycling depot) without a certificate of approval since April 1998 (MOE) **Investigation Denied** **12-Jul-99**	The applicants alleged that a recycling company contravened Regulation 101/94 under section 27 of the *EPA* by operating a municipal waste recycling site without a certificate of approval (CofA). The applicants also alleged poor operation of the recycling facility, resulting in foul smell of waste/burning of waste; visual and nuisance impacts; the potential for fire and health hazards; and water contamination. The applicants stated that the site operator had been given numerous opportunities to bring the recycling facility into compliance with the *EPA* and included as evidence a 1998 MOE site inspection report.	MOE denied the request and indicated that an investigation would be unnecessary because "it appears that this site will be in full compliance with the requirements of the ministry." In its denial of the application, MOE acknowledged that the recycling facility was operating without a CofA and that its earlier investigations found many violations of Regulation 101/94. However, the ministry noted that its staff met with the site operator who agreed to comply with Regulation 101/94 and submit a CofA application. According to the ministry, the applicants' concerns would be addressed through conditions placed on the CofA and the site operator's compliance with Regulation 101/94. The ministry also noted that it continued to monitor site operations.	The ministry's response indicated that site compliance problems (and thus related environmental and nuisance impacts) would be addressed in the future through issuance of a CofA. A CofA was issued several weeks after the ministry's response and various conditions appear to address the issues raised by the applicants. Given the history of *EPA* violations at the site, it would have been reasonable for the ministry's response to articulate more clearly its ability to take a stepped approach to enforcement. The ministry's Compliance Guideline indicates that, depending on the nature of the violations, the ministry is not obligated to lay charges immediately. MOE may first apply mandatory or voluntary abatement measures. It would also have been reasonable for the ministry's response to explain what options and actions would be available to the ministry and the applicants if the facility's compliance problem continued in the future.

Application/ Status	Description	Ministry Response	ECO Findings/ Comments
I99018: Alleged contraventions of s.14 of *EPA* by the Township of Burleigh-Anstruther-Chandos at Quarry Bay Beach (MOE) **Investigation Denied** **13-Jul-99**	The applicants allege the contravention of section 14(1) of the *EPA* (discharge likely to cause adverse effect) due to excessive "beach noise," resulting in the loss of enjoyment of normal use of their property. The applicants indicate that the municipality did not adequately consult on the establishment of the public beach which abuts on year-round and seasonal homes. The applicants further note that the municipality lacks bylaws to control beach use or buffer zones to attenuate the impacts.	MOE denied the application saying that it is a municipal land use issue. In its cover letter, MOE explained that the township "would have provided notification to area residents and provided an opportunity for comments regarding the proposed land use." The ministry states that the public beach is a legal land use and that the municipality has the authority to pass bylaws to control the use of the beach and noise emanating from the beach. The ministry further states that "since the persons responsible for the noise change on a daily basis, it would not be possible for MOE to take action under section 14(1) of the *EPA*." The ministry tells the applicants in the conclusion of its cover letter that it would be "more appropriate for the municipality to implement ... bylaws to address this issue." The ministry acknowledges that there was a precedent for a noise enforcement complaint followed up by the ministry (referred to by the applicants), but states that in that case there was a single noise source-- a band at a dance hall. In this case, states the ministry, no one individual can be said to be "causing an adverse effect," as required by section 14(1).	MOE's reasons for denying the application are technically correct. Indeed the preferred course is for the municipalities to pass and enforce noise bylaws. The difficulty for many municipalities however is lack of expertise in noise monitoring, evaluation and analysis. MOE should encourage and support the development of the necessary municipal legislation through an up-to-date "Model Noise Bylaw."

Application/ Status	Description	Ministry Response	ECO Findings/ Comments
I99019: Alleged contraventions by The Murray Group Limited of the *Aggregate Resources Act* and federal *Fisheries Act* resulting in damage to the water table, wetland and woodlot (MNR) **Investigation Completed 19-Aug-99**	The applicants alleged violations of the *Aggregate Resources Act* by the operator of a quarry near Elora. The alleged violations in contravention of site plan conditions included excavations into the water table and beyond the allowed depth and the clearing of trees. The applicants also alleged violations of s.35(1) of the federal *Fisheries Act* through damage to the groundwater sources of cold water trout streams nearby.	The ministry concluded that there was no contravention of either the *Aggregate Resources Act* or the *Fisheries Act*. MNR concluded that there had been no excavation below the water table, but that the maximum depth had been reached at one of the two pits. The removal of the woodlot was found to have been permissible under an earlier site plan, approved under the previous *Pits and Quarries Control Act*. As no below water table excavation had occurred, MNR concluded that no damage had been done to the cold water streams.	MNR assigned an investigator with no previous involvement in the subject of the application. The investigator visited the site and interviewed the applicants, MNR staff, and the operator. The ECO viewed the investigator's report and commends MNR on a thorough investigation. MNR's investigation of the alleged *Fisheries Act* violation is commendable, as MNR has recently si...ply referred such allegations to the federal Department of Fisheries and Oceans. The ministry's response to the applicant conveyed the outcome of the investigation, but did not summarize the evidence that MNR relied upon in making its findings. The response also failed to reveal the full findings of the investigator. For example, even though the operator had self-reported depth violations in 1997 and 1998, the summary stated that there "was no evidence found" of contravention of the Act or site plan conditions. This is misleading. The investigator could not assess whether violations had occurred prior to 1999, in part because MNR staff had not visited the site following the operator's self-reports of depth violations, and in part because MNR staff had destroyed the site plan in effect until December 1998. The conclusion that "the maximum depth of extraction has been reached" (i.e., not exceeded) applies only to the time of the investigation, in early 1999. By that time the operator had applied for, and received from MNR, a new site plan amending the depth limit they had previously exceeded. This is not a reasonable response to a report of non-compliance, nor a fair response to an *EBR* application. The investigator's report also raised serious questions about MNR's ability to enforce the self-regulatory system for aggregate extraction, and about the practice of destroying site plans.

Application/ Status	Description	Ministry Response	ECO Findings/ Comments
I99020: Alleged contraventions by MOE of section 14 of the *EPA* causing damage to human health and the environment (MOE) **Investigation Denied** **5-Aug-99**	The applicants allege that MOE's weak air management rules are permitting the discharge of dangerous air pollutants which are causing adverse effects on the environment. The applicants assert that MOE standards and limits for particulate matter, sulphur dioxide, ozone, nitrogen oxide and mercury are not stringent enough to protect human health or the environment, placing MOE in violation of its own environmental protection laws (specifically s.14 of the *EPA*). The applicants also requested that the Environmental Commissioner appoint an environmental law expert independent of MOE to conduct the investigation. On January 11, 2000, the applicants wrote to MOE to provide clarification on their original request and to request that MOE "read the original application in light of the clarifications and respond within 20 days" regarding their position.	MOE denied the request for investigation MOE indicates that the application deals with policy issues as opposed to specific emissions by particular sources and thereby does not identify an offence under any *EBR* prescribed Act, regulation or instrument. MOE also asserts that there are other means of addressing the subject matter of this application and that existing policies and standards relating to air quality are currently undergoing a review. The applicants use a court decision *(R. vs. Sault Ste. Marie, 1978)* to support their interpretation of "permit" in section 14 of the EPA. However, the facts in the *Sault Ste. Marie* case involved a situation where the public body was the operator of the sewage treatment plant, not the approval body. MOE states that this court decision is irrelevant because it concerns a public body as operator of a facility and not in a pure regulatory role. The minister responded on May 10, 2000 indicating that after considering the clarifications submitted by the applicant, they remain of the opinion that the application for investigation does not suggest an offence by the ministry.	While the reason for denying the application is valid, MOE's response is inadequate in a number of areas. MOE could have done a better job of clarifying the difference between a public body in the role of proponent of an activity vs. the role of regulator of an activity. In addition to alleging the inadequacy of MOE's air standards to protect human health, the applicants also allege the ministry's failure to enforce the standards that do exist. MOE did not respond to this allegation. Finally, the ministry notes that existing policies and standards relating to air quality are undergoing a review at this time. However, they do not identify whether or not the policies and standards for the specific contaminants listed by the applicants are under review, nor do they indicate how the applicants can participate in the review.

Application/ Status	Description	Ministry Response	ECO Findings/ Comments
I99021: Alleged contravention by Avenor Inc. and Buchanan Forest Products Ltd. of subsection 42(1) of the *Crown Forest Sustainability Act* (*CFSA*) causing removal or disruption to forest protection areas and possible damage to fish habitat /migration (MNR) **Investigation Completed 24-Dec-99**	The applicants alleged that the accused companies contravened section 42(1) of the *CFSA* at 10 separate sites within the Brightsand forest management unit. Subsection 42(1) of the *CFSA* makes it an offence to carry out forest operations contrary to the applicable forest management plan. The applicants alleged that the companies removed or disturbed forest resources from protected areas (vegetated buffer zones) and failed to install and maintain proper water crossings, contrary to their forest management plan. The applicants also suggested that MNR consider whether other sections of the *CFSA*, the federal *Fisheries Act* and the *Public Lands Act* were violated.	MNR found that contraventions of the *CFSA* had occurred at 4 of the 10 sites. In response, MNR indicated that the Thunder Bay District Manager will issue a repair order to the responsible company which will require it to regenerate areas where illegal cutting took place in a no disturbance zone; remove an equivalent area from the company's future harvest approval; and ensure that any errors on forest maps are corrected. At the six other sites, MNR did not find that contraventions of the *CFSA* had occurred. At three sites, the streams referred to by the applicants did not appear on 1:50 000 scale maps and therefore were not caught by MNR's guidelines. At the other sites MNR found that either the applicants had misinterpreted the size of the no disturbance zone; there had not been significant damage to the site; or that the site was not in the condition described by the applicants. In regard to potential violations of the *Fisheries Act*, MNR conducted an initial survey of the alleged actions which indicated that potential contraventions may have occurred. MNR stated that staff would forward this information to the Federal Department of Fisheries and Oceans (DFO) for their consideration. MNR did not find that any other laws had been contravened. MNR did note that in one instance, changes to the Annual Work Schedule had been approved in an inappropriate manner by MNR staff. MNR committed to reviewing the policies and guidelines pertaining to the revision process for changes to any Annual Work Schedule and the delegation of authority to ensure this problem does not recur.	MNR carried out a thorough investigation and took appropriate action to address the contraventions that were verified by its investigations unit. This is the third time that a request for investigation filed under the *EBR* has resulted in enforcement action being taken against a forest company. The results of these investigations raise concerns about the effectiveness of MNR's Forest Operations Compliance Program (FOCP). For a discussion of these issues, see pp.95-96 of the annual report.

Application/ Status	Description	Ministry Response	ECO Findings/ Comments
I99022: Alleged contraventions by the Township of Edwardsburgh of the *EPA*, *OWRA*, and the certificate of approval (CofA) for the Township of Edwardsburgh landfill site (MOE) **Investigation Denied 20-Oct-99**	The applicants alleged a total of 39 contraventions of the *Environmental Protection Act*, the *Ontario Water Resources Act* and the CofA for the Edwardsburgh Landfill Site. According to the applicants, these alleged contraventions have resulted in likely contamination to off-site ground water, surface water and air quality; and likely harm to drinking water, human and livestock health, creeks, wildlife and wetlands. **Related to: R99006**	The ministry denied the investigation request but responded to each of the applicants' allegations. Fifteen of the allegations (those under subsections 27(1) and 14(1) of the *EPA* and section 6 of Regulation 346 under the *EPA*) were already under investigation by MOE. In its response, the ministry indicated that it would send a copy of the investigation results to the applicants once the investigation was complete. The ministry denied the remaining allegations for various reasons including: compliance of the landfill site with the ministry requirements; lack of evidence provided by the applicants; and lack of ministry jurisdiction to address the concerns. MOE noted that it would review any additional information the applicants could provide relating to adverse effects or non-compliance issues at the landfill site.	This application reflects a difference of opinion between the ministry and the applicants about whether or not operation of the landfill site is contaminating the local ecosystem and affecting the applicants' family's health. MOE provided a clear and itemized response for each of the alleged contraventions. For the alleged contraventions already being investigated by MOE, the ministry indicated that it would send a copy of the completed investigation report to the applicants. However, given local MOE staff's ongoing work with this landfill site and the applicants, MOE should have assigned this investigation request to staff who had not had previous involvement.

Application/ Status	Description	Ministry Response	ECO Findings/ Comments
I99023: Alleged violations by Kam Kotia Mine of section 14 of the *EPA*, and section 30 of the *OWRA* at the Kam Kotia abandoned mine site (MOE) **Investigation Completed 23-Mar-00**	The applicants alleged violations of the *EPA* and the *OWRA* at the abandoned Kam Kotia mine site. Specifically, the applicants alleged that mine tailings have polluted both Kamiskotia Creek and Kamiskotia River and negatively affected the health of fish and waterfowl. The applicants also alleged that acid discharge has destroyed many hectares of forest wildlife habitat and that on windy days orange acidic tailings dust causes visible air pollution. **Related to: I99024**	Based on its review of historical and current information, MOE concluded that the Kam Kotia mine/mill site has and continues to contribute an "adverse effect" to the environment, resulting from acid mine drainage. According to MOE, "environmental impairment" extends to site vegetation, and sections of both the Kamiskotia and Little Kamiskotia Rivers. MOE quantified the severity of damage as follows: - 6 million tonnes of mine tailings and 200, 000 tonnes of waste rock located on the site generate acid and discharge to the head waters of the Kamiskotia River and the Little Kamiskotia River; - discharge to the rivers has had a pH of 2.5 and concentrations of copper and zinc exceeding Provincial Water Quality Objectives (PWQO) by 2000 and 1000 times respectively since the early 1970's; - iron has exceeded PWQO by 1000-2000 times; and - other parameters with elevated levels include nickel, manganese, aluminum, magnesium, sulphate and ammonium. In its response to the applicants, MOE explained that it has made several unsuccessful attempts to order previous mine owners to clean up the site and that it will "not pursue further legal action at this time." MOE also summarized previous government actions related to the site, including the indefinite deferral of a Kam Kotia Action Plan due to concerns with "suitable technology and concepts" that arose through a series of technical reviews. The ministry stated its support for the current inter-ministerial decision (MNR, MNDM and MOE) to proceed with environmental remediation of the site. Specifically, MOE references the Ministry of Northern Development and Mines' February 2000 press release announcing a government commitment (under the Mine Rehabilitation Program) to provide $3 million dollars over 3 years "to begin clean up of the site". According to the press release, rehabilitation work will stop acid mine drainage from reaching nearby waterways and will also focus on "long-term rehabilitation options."	After many years of failed attempts at site clean up, the ECO commends the government's initiative to undertake rehabilitation work at the site. The government's news release indicates that $3 million will be used "to begin addressing environmental concerns." If $3 million is required to "begin" site clean up, what actions will be taken to ensure the remaining work is done? The ECO requests that the ministries publicly report on their progress in cleaning up this abandoned mine. MOE's overview of Kam Kotia's history, environmental contamination and government involvement provided a useful summary. However, MOE should also have responded to the applicants' concerns about air pollution (orange dust blowing from the mine site). It would also have been helpful for MOE to explain more fully to the applicants its upcoming role and responsibilities in addressing Kam Kotia's environmental issues, and to offer to keep the applicants informed as the site clean up progresses. Staff from the three ministries have subsequently met with the applicants and other members of the community to provide more information about the project. The ministries have agreed to keep stakeholders informed at key points in the rehabilitation project. The ministry's response should have indicated more clearly whether violations of the *OWRA* occurred. In its response to the ECO's annual report, MOE clarified that it acknowledges violations under both the *EPA* and *OWRA*. Therefore, the ministry should have explained to the applicants and the ECO why no enforcement action was taken against the Crown as current owner of the site.

Application/ Status	Description	Ministry Response	ECO Findings/ Comments
I99024: Alleged contraventions by Kam Kotia mine of the federal *Fisheries Act* at the Kam Kotia abandoned mine site (MNR) **Investigation Completed 23-Mar-00**	The applicants alleged contraventions of the *Fisheries Act*, stating that mine tailings from the abandoned Kam Kotia mine site have polluted both Kamiskotia Creek and Kamiskotia River and negatively affected the health of fish and waterfowl. In addition to allegations of *Fisheries Act* violations, the applicants also alleged that acid discharge has destroyed many hectares of forest wildlife habitat and that on windy days orange acidic tailings dust causes visible air pollution. These additional concerns were the subject of the applicants' request for investigation of alleged violations under the *Environmental Protection Act* and the *Ontario Water Resources Act*. **Related to: I99023**	MNR conducted the investigation but did not answer the fundamental question of whether or not *Fisheries Act* violations are occurring. MNR implies a violation by making the following statement: "Given the long history of the mine site and the resulting factual and legal complexities, there is no certainty of success in a legal action against the various mining companies or related persons involved in the mine site." Due to the uncertainty of successful legal action, MNR asserts that the best course of action is to address environmental concerns at the site. MNR acknowledges previous unsuccessful attempts to remediate the mine site but notes the current government's commitment to stop acid mine drainage from reaching nearby waterways and to develop a long-term rehabilitation strategy. This work will be done using $3 million from the Ministry of Northern Development and Mine's Mine Rehabilitation Program. MNR will continue to sit with MOE and MNDM on the inter-ministerial committee that manages and monitors the Kam Kotia site. Specifically, MNR commits to continued monitoring of the site "for public safety and security" and believes that the recent infusion on government funding will "address concerns about the effects on the environment and impacts on fish and fisheries habitat."	After many years of failed attempts at site clean up, the ECO commends the government's initiative to undertake rehabilitation work at the site. The government's news release indicates that $3 million will be used "to begin addressing environmental concerns." If $3 million is required to "begin" site clean up, what actions will be taken to ensure the remaining work is done? The ECO requests that the ministries publicly report on their progress in cleaning up this abandoned mine. It would have been helpful for MNR to explain more fully to the applicants its upcoming role and responsibilities in addressing Kam Kotia's environmental issues. Staff from the three ministries have subsequently met with the applicants and other members of the community to provide more information about the project. The ministries have agreed to keep stakeholders informed at key points in the rehabilitation project. It was unacceptable for MNR to refuse to tell the applicants whether or not the *Fisheries Act* is being contravened. When the ECO followed up with MNR, the ministry also failed to directly answer an ECO question about the alleged contravention. It is interesting to note that had there been a contravention, the ministry would have had to bring charges against itself.

Application/ Status	Description	Ministry Response	ECO Findings/ Comments
I99025: Alleged violations by the Town of Cochrane of the *EAA* and *the EPA* at the Town of Cochrane Landfill Site (MOE) **Investigation Completed 31-Mar-00**	The applicants alleged that the Town of Cochrane failed to comply with a total of four *EAA* and *EPA* conditions of approval with respect to the town's landfill site. The town allegedly failed to: • set out a schedule and plan for a groundwater monitoring program; • consult with the Site Liaison Committee (SLC) on its groundwater monitoring plan; • provide an opportunity for the SLC to review its contingency plan; and • submit its storm water management plan to MOE and provide the plan to the SLC. One of the applicants is a member of the SLC.	The ministry undertook the investigation and found that the Town of Cochrane: • **did** set out a schedule and plan for a groundwater monitoring program; • **did** consult with the Site Liaison Committee (SLC) on its groundwater monitoring plan. The groundwater monitoring plan was contained in the appendices of the provisional certificate of approval which the SLC was asked to comment on in July 1999; • **did not** provide an opportunity for the SLC to review its contingency plan; and • **did** submit its storm water management plan to MOE although it **did not** provide the plan to the SLC. The ministry issued a field order requiring the town to provide a storm water plan to the SLC for comments and then provide it to the Regional MOE Director. In addition they advised the town (but did not issue a field order) that they must provide the contingency plan to the SLC for comments and that these comments must be provided to the Regional MOE Director.	The ministry addressed and responded to each issue raised by the applicants. As well, the explanation was well structured and followed a logical format. In responding to the issue of the contingency plan, the ministry chose not to order the town to provide an opportunity for the SLC to review its contingency plan. Instead MOE asked them to comply voluntarily because the contingency plan was reviewed by the Public Liaison Committee established under the *EAA*. While this provides assurance to the applicants that the contingency plan was reviewed by members of the public, it does not excuse the town from meeting the condition to provide an opportunity for the SLC to review its contingency plan in its *EAA* approval. MOE has indicated to the ECO that it will follow up with an order if the town does not comply voluntarily.

Application/ Status	Description	Ministry Response	ECO Findings/ Comments
I99026: Alleged violations by Kal Haniff (MOE) and David Ireland (MOE) of a company's proprietary information, in contravention of the *EPA* (MOE) **Investigation Denied 11-Feb-00**	The applicants requested an investigation under the *EBR* because they allege MOE released confidential information about their company to the public in violation of s.168 of the *EPA*. In May 1999, and again in June 1999, MOE staff requested the company, a chemical plant, to investigate, propose and carry out abatement measures for parts of their process. The company responded in a number of letters regarding the abatement measures taken and proposed. The letters were expressly stated to be confidential. In November 1999, MOE delivered to the company a Notice of intention to issue a Director's Order under the *EPA* as well as a Provincial Officer's Report. The applicants allege that both of these documents contained confidential information provided to the ministry in the aforementioned letters, including steps in the manufacturing processes and equipment used in the manufacturing processes. At about this time, the Notice and the Report were both released to the public. The applicants state that since the information relates to processes and not to the discharge of contaminants, it is not covered under the non-disclosure requirements of the *EPA*. The applicants allege that harm to the environment is a likely result of this alleged contravention because, in future, companies may refuse to provide information to the ministry.	In denying the investigation, the ministry neither denies nor confirms that it released confidential information to the public. It claims, however, that release of this information is not likely to cause harm to the environment. On that basis, the application for investigation was denied.	The ministry decision regarding the application was technically correct. Section 77(2) of the *EBR* allows the minister to deny an investigation if minimal harm to the environment will likely result from denying the investigation. However, the ministry has completely ignored the applicants' concerns regarding the release of confidential information. In the interest of good customer service, the ministry should have provided some advice to the applicants so that their concerns could be addressed in the appropriate forum. The ministry could have mentioned the Ombudsman or the Information and Privacy Commission as possible avenues open to the applicants for resolution of their concerns.

Application/ Status	Description	Ministry Response	ECO Findings/ Comments
I99027: Alleged violations by Commercial Alcohols Ltd. of the *EPA* by a Commercial Alcohol plant (MOE) **Investigation Denied 18-Feb-00**	The applicants allege that a Commercial Alcohols Inc. (CAI), an industrial facility that manufactures ethanol, is discharging contaminants into the air that cause irritation to people's eyes and throat, coughing, nausea, intolerable odour and loss of property enjoyment. They allege that CAI is not complying with the terms and conditions of its certificate of approval, and is contravening sections 14 and 186 of the *EPA*, and section 6 of Regulation 346.	MOE denied the application because the matters raised were previously subject to an investigation carried out by the Investigations and Enforcement Branch. As a result of that investigation, MOE determined that the best course of action was to allow the company to undertake voluntary compliance measures to address the problem. This decision was based upon MOE's compliance guideline, the available evidence, actions taken by the company, and actions taken by the ministry.	The applicants provided the ministry with clear evidence that the facility was contravening the *EPA* and MOE acknowledged that the facility was causing an adverse effect to the environment. Yet, in response to this application and other complaints, MOE failed to undertake an independent investigation or even have a field inspector conduct a site visit in response to a complaint. MOE acknowledged that the facility is causing an adverse effect on the environment in contravention of the *EPA*. Yet, MOE did not undertake any enforcement action or implement mandatory abatement measures. Instead, MOE is allowing the company to undertake voluntary measures to rectify the problem, despite the fact that the company has been promising to take action for the past 12 months, but has failed to stop the odours from occurring. If, after the end of June, the voluntary abatement measures do not produce the required results, MOE will "decide what action to take at that time." This provides absolutely no assurance to the applicants that the problem will eventually be dealt with. Criteria set out in MOE's compliance guideline indicate that voluntary abatement was not appropriate in this situation. Some of the relevant criteria include: the discharge will have a serious adverse effect, the undertaking is not in compliance with a CofA, the violation has been repeated, and voluntary abatement measures have not resulted in satisfactory progress toward compliance. MOE has failed to respond to this application for investigation in a satisfactory manner. MOE should have conducted its own independent investigation to determine whether enforcement action was warranted. At the very least, the applicants deserve a detailed explanation as to why voluntary measures were considered appropriate in this situation, and some assurance that if the voluntary measures are unsuccessful, MOE will take the necessary action to rectify the problem.

8 *EBR* Leave to Appeal Applications (January 1, 1999, to March 31, 2000)

Parties and Date of Leave Application	Description of Grounds for Leave to Appeal	Decision on Leave Application and Decision Date	Status/Final Outcome
1999			
Registry # IA6E1637 **Applicants:** Kenneth and Ethel Ricker **Ministry:** MOE **Proponent:** Dunnville Rock Products Ltd. **Date of Application:** June 19, 1997 **Instrument:** Permit to take water (PTTW), s. 34, *OWRA* **Tribunal:** Environmental Appeal Board (EAB)	The applicants sought leave to appeal the decision of MOE to grant a PTTW to Dunnville Rock Products Ltd. for the purposes of quarry dewatering. The applicants own residential property near the quarry and rely on well water for drinking and domestic uses.	The EAB granted the leave to appeal application for two grounds: whether there are changes in the terms and conditions of the PTTW that could improve compliance by the proponent; and whether there should have been an expiry date on the PTTW to take water. **Date of Leave Decision:** September 3, 1997	Appeal withdrawn. The EAB accepted the appellants' withdrawal of the appeal dated January 24, 2000, after prolonged negotiations between the parties.

Parties and Date of Leave Application	Description of Grounds for Leave to Appeal	Decision on Leave Application and Decision Date	Status/Final Outcome
Registry #IA8E1042 **Applicants:** Greta Thompson and Keith Thompson et al. **Ministry:** MOE **Proponent:** Ridge Landfill Corporation **Date of Application:** November 5, 1998 **Instrument:** Certificate of approval (CofA), s. 27, *EPA* **Tribunal**: EAB	The applicants sought leave to appeal the decision to amend a CofA extending the time frame for which a waste disposal site is able to accept industrial, commercial and institutional (IC&I) waste from all of Ontario from December 21, 1998 to the date upon which the site reaches approved capacity. The grounds for seeking leave included: amendment attempts to circumvent the minister's approval to expand the landfill site under the EAA; permits IC&I waste disposal on lands not zoned for waste disposal uses; and the proponent has a lengthy history of non-compliance with applicable regulatory requirements.	The EAB granted the leave to appeal application. The EAB found that the amendment to the CofA circumvented the minister's approval to expand the landfill site under the EAA. The EAA approval was based on the approved service area in force at that time, which only allowed waste from all of Ontario to be accepted until December 21, 1998. The EAB found that the MOE Director's decision to grant the amendment to the CofA was not reasonable. **Date of Leave Decision:** December 29, 1998	Appeal withdrawn. The EAB accepted the appellants' withdrawal of the appeal dated February 2, 1999. After being granted leave to appeal, the following events had occurred: on January 20, 1999, the Ontario Municipal Board decided to dismiss, without a hearing, the appellants' appeal of the re-zoning bylaw for the landfill site; on January 27, 1999, MOE, without a hearing, issued a new CofA to the Ridge Landfill Corporation which permits the disposal of IC&I waste from all of Ontario for the next 20 years; and on January 28, 1999, the EAB lifted the stay of the operation of the certificate of approval that was the subject of the leave to appeal application, after considering Environmental Assessment documentation, enabling Ridge Landfill Corporation to accept industrial, commercial and institutional waste from all of Ontario. As a result, the applicants decided that they could no longer justify the cost, time and effort in pursuing their appeal of this amendment. Even success on appeal would be short-lived due to the recent developments.

Parties and Date of Leave Application	Description of Grounds for Leave to Appeal	Decision on Leave Application and Decision Date	Status/Final Outcome
Registry #IA8E1707 **Applicant:** Soyers Lake Ratepayers Association Inc. **Ministry:** MOE **Proponent:** Woodlands Ranch **Date of Application:** February 3, 1999 **Instrument:** PTTW, s. 34, *OWRA* **Tribunal**: EAB	The applicant sought leave to appeal the decision to grant a PTTW permitting Woodlands Ranch to take up to 4,540 litres of water per minute or 2,724,000 litres per day from Little Soyers Lake for the purpose of irrigation for 25 years. The grounds for seeking leave included: insufficient notification and consultation by MOE; extinguished flow to Soyers Lake; and reduced irrigation of the Soyers Creek wetlands.	The EAB granted the leave to appeal application. The EAB found that there was disagreement among the parties about the surface area and water capacity of Little Soyers Lake. Other assumptions which were the basis for the Director deciding to issue the PTTW also appeared to be flawed or questionable. The appeal hearing is limited to the subjects of the rate of water taking and the terms of two special conditions, unless all parties agree otherwise, or the EAB determines otherwise. **Date of Leave Decision:** February 3, 1999	Appeal withdrawn. The EAB accepted the appellants' withdrawal of the appeal dated June 16, 1999. As a result of a meeting between the Soyers Lake Ratepayers Association, MOE, and Woodlands Ranch, held on June 9, 1999, a set of conditions were drawn up by MOE for the PTTW that essentially addressed all of the concerns raised in the appeal.
Registry #IA8E1232 **Applicant:** Northwatch **Ministry:** MOE **Proponent:** Enviro-Med Canada Limited **Date of Application:** March 30, 1999 **Instrument:** CofA, s. 27, *EPA* **Tribunal**: EAB	The applicant sought leave to appeal the CofA permitting the proponent to operate a biomedical waste management facility in North Bay and dispose of residual waste in the North Bay landfill. The grounds for seeking leave included: there are conflicts with the MOE strategy stating that biomedical wastes should be managed close to their point of generation; the technology has not undergone sufficient testing and review; and the decision could result in significant environmental harm.	The EAB denied the leave to appeal application on the following grounds: the MOE strategy had not been adopted and was not binding; a condition requires technology testing before the proponent can begin operation; there is a negligible chance that there would be a release to the environment of dioxins and mercury; and wastewater from the facility will be collected, tested and disposed of in an appropriate manner. **Date of Leave Decision:** May 18, 1999	Leave to appeal denied.

Parties and Date of Leave Application	Description of Grounds for Leave to Appeal	Decision on Leave Application and Decision Date	Status/Final Outcome
Registry #IA9E0365 **Applicants:** Federation of Ontario Naturalists et al. **Ministry:** MOE **Proponent:** Norampac **Date of Application:** May 21, 1999 **Instrument:** Order for preventative measures, s. 18, *EPA* **Tribunal**: EAB	The applicants sought leave to appeal the decision to issue an Order for preventative measures to Norampac Inc., that requires the company to eliminate the use of Dombind as a dust suppressant over a period of time. The grounds for seeking leave included: the Order doesn't ensure that the use of Dombind as a dust suppressant will be phased out by the end of the year 2000 or that the terms and conditions regarding the application of Dombind as a dust suppressant on roads will be adequately enforced.	The EAB granted the leave to appeal application for one of the stated grounds - whether the requirements and conditions for the application of Dombind as a dust suppressant as set out in the MOE Order provide an adequate means of enforcement. Leave to appeal on all other grounds was denied. **Date of Leave Decision:** August 27, 1999	Appeal withdrawn. The EAB accepted the minutes of settlement signed by the parties and dated September 23, 1999, and ordered that Appendix I to the Director's Order be deleted and replaced with the conditions agreed to by the parties. Any remaining issues raised by the appeal were dismissed. In the settlement, the parties agreed on the requirements and conditions for the application of Dombind dust suppressant, including the following: Dombind, mixed or blended with wastes, shall not be applied without a CofA; any Dombind containing greater than 5 parts per million of polychlorinated biphenyls (PCBs) shall not be applied as a dust suppressant; Dombind shall not be applied to any point which is within 50 metres of any water or watercourse or within 15 metres of a water well; and Dombind shall not be applied in such a manner that could result in its deposit, either directly or indirectly, into waters frequented by fish. **Date of Appeal Decision:** October 20, 1999

Parties and Date of Leave Application	Description of Grounds for Leave to Appeal	Decision on Leave Application and Decision Date	Status/Final Outcome
Registry #IA9E0487 **Applicants:** Walter Schneider et al. **Ministry:** MOE **Proponent:** Clublink Capital Corporation **Date of Application:** July 13, 1999 **Instrument:** PTTW, s. 34, *OWRA* **Tribunal**: EAB	The applicants sought leave to appeal the decision to issue a PTTW allowing a change in the allowable water taking from Hamer Bay of Lake Joseph to increase from 120,000 to 3.4 million litres per day. The grounds for seeking leave included: there was no condition of approval that ClubLink adhere to its own proposed construction techniques and operation protocols; and the failure to require a monitoring program as a condition of approval of the PTTW.	The EAB granted the leave to appeal application on the grounds that the Director failed to impose conditions that would prevent certain water quality impacts that might result from the irrigation of the proposed golf course. The EAB accepted the applicants' submission that the Director should apply an ecosystem approach and attempt to prevent pollution in order to protect, preserve and sustain the province's water resources. The EAB also found that there is the potential for significant harm to the environment. **Date of Leave Decision:** August 31, 1999	Appeal withdrawn. The applicants withdrew the appeal after negotiating a settlement with the Ministry of the Environment and the Clublink Corporation. The proponent's related CofA for sewage works was amended to ensure that the water quality monitoring program encompassed the possible adverse impact from the run-off from the golf course. Also, a condition was added to the PTTW requiring ClubLink to comply with the water monitoring conditions of the sewage works CofA. **Date of Appeal Decision:** December 14, 1999
Registry #IA8E1260 **Applicants:** Madeline Gilbertson et al. **Ministry:** MOE **Proponent:** Pickerel Lake Cottage Association **Date of Application:** July 20, 1999 **Instrument:** PTTW, s. 34, *OWRA* **Tribunal**: EAB	The applicants sought leave to appeal the decision to permit the Pickerel Lake Cottage Association to construct a dam designed as a passive water control structure that will regulate water levels using a spillway structure with no active control. The grounds for seeking leave included: the likelihood that downstream lake levels will be adversely affected; the possibility that the higher lake level will result in the release of mercury and greenhouse gases; and possible adverse effects for downstream fish habitat.	The EAB denied the application for leave to appeal because it was not received within the 15-day time period set out under section 40 of the *EBR*. The EAB indicated that, had the application been submitted within the required time limit, it would have found that the applicants did not establish that the Director failed to act in a reasonable manner with regard to the relevant law and to any government policies developed to guide decisions of this kind, nor was there any basis to suggest that the decision could have resulted in significant harm to the environment. **Date of Leave Decision:** August 20, 1999	Leave to appeal denied.

Parties and Date of Leave Application	Description of Grounds for Leave to Appeal	Decision on Leave Application and Decision Date	Status/Final Outcome
Registry # IA8E1600 **Applicants:** Sylvanus General et al. **Ministry:** MOE **Proponent:** Canadian Gypsum Company Limited (CGC) **Date of Application:** October 15, 1999 **Instrument:** PTTW, s. 34, *OWRA* **Tribunal**: EAB	The applicants sought leave to appeal the decision to issue a PTTW to CGC for industrial processing and mine dewatering. The grounds for seeking leave included: widespread environmental impacts arising from previous PTTWs issued to the CGC; CGC's non-fulfilment of the conditions precedent for renewing the PTTW; and the PTTW was issued without complying with Part II of the *EBR* regarding public notice and comment. The applicants alleged that there were two Registry notices in relation to this PTTW and that they presented inconsistent information and comment periods.	The EAB denied the application for leave to appeal on the following grounds: the applicants did not provide sufficient supporting data; granting leave to appeal would only delay the removal of potentially contaminating materials from the West Mine; the effect of the PTTW would be to restore the natural environment, which would be in keeping with the objectives of the *EBR*; and that the applicants failed to show that the PTTW would have a significant impact upon the present levels of the groundwater aquifer, water levels in the Boston Creek, or the stability of land in the area. The allegation concerning non-compliance with Part II of the *EBR* was not dealt with in the EAB's decision. **Date of Leave Decision:** December 20, 1999	Leave to appeal denied.

Parties and Date of Leave Application	Description of Grounds for Leave to Appeal	Decision on Leave Application and Decision Date	Status/Final Outcome
Registry #IA9E0144 **Applicants:** Brian Felske et al. **Ministry:** MOE **Proponent:** Artemesia Waters Ltd. **Date of Application:** October 19, 1999 **Instrument:** PTTW, s. 34, *OWRA* **Tribunal**: EAB	The applicants sought leave to appeal the decision to issue a PTTW to Artemesia Waters Ltd. for commercial water bottling and distribution. The grounds for seeking leave included: the *OWRA* was inconsistent with section 92A of the *Constitution Act, 1867*; the PTTW may adversely affect downstream riparian owners; there were technical inadequacies in the proponent's studies; and an ecosystem approach was not taken.	The EAB denied the application for leave to appeal on the following grounds: the provinces and the federal government have shared jurisdiction over water and the *OWRA* is a valid law; the decision cannot be construed as being in conflict with the moratorium announced by the minister; the Director made a reasonable decision with the information available and added two conditions to the PTTW to protect the water supply and the natural environment; and MOE ensured environmental protection. The EAB noted that the ecosystem approach is still being incorporated into MOE's decision-making processes and expressed hope that MOE will take note of the importance of its Statement of Environmental Values in evaluating all undertakings that fall under its jurisdiction. **Date of Leave Decision:** December 17, 1999	Leave to appeal denied. On January 13, 2000, the ECO received a letter from one of the applicants requesting a review of perceived errors in the EAB's decision. On January 28, 2000, the EAB issued supplementary reasons clarifying, but not changing, its decision.

Parties and Date of Leave Application	Description of Grounds for Leave to Appeal	Decision on Leave Application and Decision Date	Status/Final Outcome
Registry #IA9E0375 **Applicant:** Alex Kolodziejski **Ministry:** MOE **Proponent:** Mansfield Ski Club Inc. **Date of Application:** December 28, 1999 **Instrument:** PTTW, s. 34, *OWRA* **Tribunal**: EAB	The applicant sought leave to appeal the decision to issue a PTTW to Mansfield Ski Club Inc. The grounds for seeking leave included: the impact of the increased water taking on previous existing adjacent agricultural land use and subsequent financial losses; the ecosystem principle was not taken into account; and water interference for other users.	The EAB granted the leave to appeal application on the ground that there exists a potential for significant harm to the environment, in particular the Pine River, due to the runoff which is affecting the quality and quantity of the water in the Pine River. **Date of Leave Decision:** February 14, 2000	A hearing was held in March 2000 and the appeal was denied. In reasons released on April 28, 2000, the Board noted that the appeal highlighted issues of drainage from the exposed ski hills, as well as the possible vulnerability of the Pine River in the runoff area from the Mansfield Ski Club. The Board found, however, that the appellant had not demonstrated with any solid information that the melted snow runoff had been detrimental to the quality of water in the Pine River, either intrinsically or as a habitat for a coldwater fishery. The Board also found that new storm drainage measures, initiated in 1998, showed every promise of providing effective control of flooding and sedimentation of the Pine River. **Date of Appeal Decision:** April 5, 2000

Parties and Date of Leave Application	Description of Grounds for Leave to Appeal	Decision on Leave Application and Decision Date	Status/Final Outcome
Registry #IA9E1088 **Applicant:** Carmen D'Angelo, Community Liaison Committee for the Taro East Landfill **Ministry:** MOE **Proponent:** Philip Enterprises Inc. **Date of Application:** February 8, 2000 **Instrument:** CofA, s. 27, *EPA* **Tribunal**: EAB	The applicant sought leave to appeal the decision to amend the CofA for the proponent's waste transfer and processing site. The grounds for seeking leave included the following: the more stringent restrictions on waste stabilization and disposal announced by MOE should be imposed on this CofA; the CofA should be withdrawn until the independent expert panel that is to be established has investigated the Ecosafe process for stabilizing hazardous waste; and the CofA should be withdrawn pending a decision on a proposed regulation that will affect the Ecosafe process.	The EAB denied the application for leave to appeal on the following grounds: the applicant failed to provide any valid evidence that no reasonable person could have made the decision, and that the decision could cause significant harm to the environment; and the applicant provided no evidence that the Director's actions in issuing the CofA were contrary to his responsibilities under the *EPA* or the *EBR*. Also, the applicant did not abide by the EAB's Rules of Practice and Procedure. **Date of Leave Decision:** March 8, 2000	Leave to appeal denied.

Parties and Date of Leave Application	Description of Grounds for Leave to Appeal	Decision on Leave Application and Decision Date	Status/Final Outcome
Registry #IA9E1353 **Applicant:** The Concerned Citizens of Haldimand, Incorporated **Ministry:** MOE **Proponent:** 1340152 Ontario Inc. **Date of Application:** February 24, 2000 **Instrument:** PTTW, s. 34, *OWRA* **Tribunal**: EAB	The applicant sought leave to appeal the decision to issue a PTTW to the proponent for commercial water bottling. The grounds for seeking leave included: this community is experiencing water shortages; MOE does not have sufficient data on environmental impacts in the community and is relying on the proponent's data; MOE is unable to ensure ecosystem integrity; and MOE has failed to ensure riparian rights to land owners affected.	The EAB denied the application for leave to appeal on the following grounds: the Director showed that the proposed well is not located in the Oak Ridges Moraine Aquifer, and that the area of water taking is not drained by Cold Creek and the associated provincially significant wetlands; and the surface waters are not affected and the safeguard provisions of the 1 year permit ensure continuity of water supply. The Registry notice of the CofA was misleading because it referred to 2 wells taking water for 10 years, as the applicant had requested. However, the actual CofA issued was for 1 well taking water for 1 year. The EAB noted that the applicant may have been misled by "the ambiguity of the EBR Registry listing – the regrettable and inexcusable lack of transparency...." **Date of Leave Decision:** April 10, 2000	Leave to appeal denied.

S9 *EBR* Court Actions (January 31, 1999 to March 31, 2000)

Parties and Date of Claim	**Description of Grounds for Claim**	**Status/Final Outcome**
1999		
Registry #CQ7E0001.P **Plaintiff:** John Hollick **Defendant:** Corporation of the Municipality of Metropolitan Toronto (now City of Toronto) **Date Statement of Claim Issued:** February 3, 1997 **Type of Action:** Public nuisance action, s. 103, *EBR* **Court Location:** Ontario Court of Justice, Whitby	The plaintiff has launched a class action against Toronto over pollution caused by the Keele Valley Dump. The plaintiff alleges that residents of Maple and Richmond Hill have been subjected to methane and other noxious gases, debris and noise from the dump for many years. The plaintiff claims $500 million in compensatory damages, $100 million in punitive damages and an injunction preventing Toronto from continuing to pollute the local environment.	Action dismissed; appeal pending. The court action was certified as a class proceeding in the Ontario Court of Justice (General Division) on March 30, 1998. The defendant successfully appealed this decision to the Divisional Court which ruled on December 17, 1998. The plaintiff then appealed to the Ontario Court of Appeal. The plaintiff's appeal was dismissed in a decision released on December 16, 1999, in which the Court of Appeal held that there was no common issue to justify the certification as a class action because the individuals' "lives have been affected, or not affected, in a different manner and degree." In September 2000, the plaintiff received leave to appeal this decision to the Supreme Court of Canada.
Registry #CQ7E0001.P **Plaintiff:** Shirley Wallington Grace **Defendant:** Corporation of the Town of Fort Erie and the Regional Municipality of Niagara **Date Statement of Claim Issued:** August 22, 1997 **Type of Action:** Public nuisance action, s. 103, *EBR* **Court Location:** Ontario Court (General Division), Welland	The plaintiff has begun a class action proceeding against her local municipality, which operates a municipal water system, and her regional municipality, which owns and operates the water treatment plant that supplies Fort Erie's water system. The plaintiff alleges that the water supplied to residents is frequently contaminated by iron rust and is also contaminated by microorganisms present at levels that exceed the Ontario Drinking Water Objectives and the Guidelines for Canadian Drinking Water Quality. The plaintiff claims that the contaminated water is a nuisance, and makes a number of other claims against the defendants. The plaintiff claims $30 million in damages and an injunction preventing the defendants from adding corrosion inhibitors to the water they supply.	Action pending.

Parties and Date of Claim	**Description of Grounds for Claim**	**Status/Final Outcome**
Registry #CQ8E0001 **Plaintiffs:** Karl Braeker, Victoria Braeker, Paul Braeker and Percy James **Defendant:** Her Majesty the Queen in Right of Ontario, 999720 Ontario Limited, and Max Heinz Karge **Date Statement of Claim Issued:** July 27, 1998 **Type of Action:** Harm to a public resource action, s. 84, *EBR* **Court Location:** Superior Court of Justice, Grey County (West Region)	The plaintiffs live next to property owned by the defendant Karge, located in Egremont Township in the County of Grey. The plaintiffs claim that the property is the site of an illegal waste dump and that substances emanating from the site are contaminating or will imminently contaminate the subsoil, groundwater, and surface water in the surrounding vicinity, including the plaintiffs' wellwater. They claim that the defendants are responsible for this contamination. The damages sought by the plaintiffs include: an injunction preventing the use of the property for any use other than rural uses; an environmental restoration plan to prevent, diminish or eliminate harm to a public resource caused by contaminants emanating from the waste dump and to restore the site to its prior condition; and damages in excess of one million dollars.	Action pending. Notice approved by court. Notice placed on Registry: December 23, 1999
Registry #CQ9E0001 **Plaintiff:** John Brennan and Lynn Brennan **Defendant:** Board of Health for the Simcoe County District Health Unit **Date Statement of Claim Issued:** June 16, 1999 **Type of Action:** Public nuisance action, s. 103, *EBR* **Court Location:** Superior Court of Justice, Barrie	The plaintiffs claim that the defendant breached its duty of care to them and was negligent by issuing certificates of approval for sewage systems at two chalets at the Snow Valley ski resort when the sewage system designs were substandard and incapable of handling the intended loads on the systems. The plaintiffs maintain that this breach has caused a nuisance and is polluting the plaintiffs' property, resulting in unsafe water, environmental damage and reduced property values. The plaintiffs allege that the defendant should not have issued the certificate of approval and rely on the *Ontario Water Resources Act*, the *Environmental Protection Act*, the *Health Promotion and Protection Act* and their regulations, but do not allege that the defendant has contravened a specific environmental law. The plaintiffs claim full compensation for their losses.	Action pending. The plaintiffs also made a claim under s. 84 of the *EBR* (harm to a public resource). This has not yet been posted on the Registry, pending court approval of notice of the action under s. 87 of the *EBR*. See related *EBR* investigations in S7 - Applications Chart.